THE [illegible]:

LAWFULNESS

Of the Oath of

Supremacy

And Power of the

Civil Magistrate

IN

Ecclesiastical Affairs:

AND

Subordination

OF

Churches

Thereunto.

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THE LAWFULNESS OF THE OATH OF SUPREMACY AND POWER OF THE Civil Magistrate IN *Ecclesiastical Affairs.*

THE Supremacy of the Kings of *England* being eclipsed by the Bishop of *Rome*, in *both* parts of it, The State thought fit to enjoyn a

Provision of equal extention. I
relation to the *Civil Rights* of th
Crown, is the Oath of *Allege*
ance, and againſt the encroach
ments upon the *Eccleſiaſtica*
this of *Supremacy*, which bein
firſt enjoyned, containeth in
manner both. This Oath hat
given the Papiſts ſuch a *blow*, a
they could not but *ſtrike* again
and have poured out a flood o
Arguments and Abſurdities, a
gainſt ſubmitting to it, whic
have been a long time ſcat
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of divers of his Majeſties Loy
al Subjects; who though o
therwiſe well affected, yet b
reaſon of ſome doubts and ten
derneſs, are at a ſtand to thi
day, and ſcruple the taking o
this Oath. For whoſe ſatisfacti
on, and cleering the Lawfulne
of this Supremacy, is the enſuing
diſcourſe.

CAP. I

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1. *The Oath it ſelf as now enjoyned.* 2. *The occaſion of this Oath.* 3. *Various Forms of it and alterations about it.* 4. *Interpretations given of it in our Laws and writers of Note.* 5. *The nature of our Aſſent and Stipulation.*

The Oath of *Supremacy.*

I A. B. Do utterly teſtify and declare in my conſcience that the Kings Highneſſe is the only Supream Governour of this Realm, and of all other his Highneſſe Dominions and Countries, as well in all Spirituall or Eccleſiaſtical things or cauſes as Temporal; And that no forain Prince, Perſon, Prelate, State or Potentate, hath or ought to have any Jurisdicti-

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on, Power, Superiority, Preeminence or Authority Ecclesiastical or Spiritual within this Realm: And therefore I do utterly renounce and forsake all forain Jurisdictions, Powers, Superiorities and Authorities, and do promise that from henceforth I shall bear Faith and true Allegiance to the Kings Highnesse, his Heirs and lawful Successors, and to my power shall assist and defend all Jurisdictions, Priviledges, Preeminences and Authorities granted, or belonging to the Kings Highnesse, his Heirs and Successors, or united and annexed to the Imperiall Crowne of this Realm.

§. 2. For many years, there hath been a Contest about Jurisdiction and Supremacy in *Ecclesiastical* matters, between the *Bishop* of *Rome* and the *Kings* of *England*; who hath got ground herein, according as our Princes were found more weak necessi-

tous,

ous, or devoted to his Holineſs. *Rome* was not built in a day. By *William the Conqueror*, *Legates* from the Pope to hear and determine Eccleſiaſtical Cauſes, were admitted. *Henry the firſt* after much conteſt, yeilds the Pope, the *Patronages* and *Donations* of Biſhopricks and all other Eccleſiaſtical Bnnefices; it being decreed at *Rome* that no Lay perſon ſhould give any Eccleſiaſtical charge. King *Stephen* grants that *Appealls* be made to the Court of *Rome*. In *Henry the ſeconds* daies the Pope gets the *Clergy* and ſpiritual perſons exempted from ſecular powers. The Biſhop of *Rome* is now over all Eccleſiaſtical Perſons and Cauſes even in theſe Dominions ſupream Head. And having upon the matter made Conqueſt, over more then half the Kingdom. In the times of *King John* and *Henry the third* ſets

on

on for the whole; and obtains of King *John* an absolute *surrender* of *England* and *Ireland* unto his holiness, which were *regraunted* back again by Him to the King to hold of the Church of *Rome* in *Feefarm* and *Vassallage*: Being now absolute and immediate Lord over all, he endeavors, to Convert the profits of both Kingdoms to his own use; so that *Prince* and *People* were hereby reduced to very great *Poverty* and *Servitude.*

Such Ruine being brought upon both Kingdoms by this device and *Engine* (the claim and exercise of Ecclesiastical jurisdiction over persons and Causes by a forreign power) The Nation was awakened, both *King Lords* and *Commons*, yea the *spiritual* Lords themselves to joyn, with more vigor against this forreign usurpation. To this purpose

severe

ſevere Laws were made in the time of *Edw.* 1,2,3. *Richard the* 2d and *Hen. the* 4th. Notwithſtanding theſe Lawes (and ſome formerly, as the Conſtitutions of *Claringdon* by *Hen.*2.)partly by *ſufferance* and partly by negligence, the whole Nation being Catholick, and held under a devotional ſlavery: there was no through or ſucceſsful conteſt againſt theſe oppreſſions; They remained *unto* and were complained of in *Henry* the 8th daies, as of *Appeals to* Rome *in Cauſes of Matrimony, Divorce, Tithes, &c. to the great Inquietation, Vexation and trouble, Coſts and Charges of the Kings highneſs and many of his Subjects* 24.Hen. 8.chap. 12. In a further complaint *An*o 25. c. 21. its declared how that *the Subjects of this Realm have been greatly decai'd and impoveriſhed by intollerable exactions of great ſums of mony claimed*

and

and taken out of this Realm by t
Bishop of Rome, *as wel in Pension*
Censes, Peterpence, Procurations, Pr
visions, Delegacies, reseripts in caus
of Contention and Appeals, as also fo
Dispensations, Licences, Faculties
&c. who assumed a power t
dispence with *all humane Lawes*
Uses, and Customs of all Realm
And many the like Complaint
were made to King *Henry* by hi
Parliament at several times: a
it appears, in the Statutes of tha
age; In wch Statutes as in that o
24. *Hen.* 8. c. 12. & 25. c. 21. 26.
1. 3. Anº. 28. c. 1. 7. 10. 16. and 35. c
1. you have the whol *fabrick* o
Romish usurpation, laid *level*
and all Ecclesiastical power re
duced within his Majasties Do
minions, and placed in the Arch
bishop and other Ecclesiastic
persons under him, by firm an
severe Laws.

This being done the King
Petitione

Petitioned by his Lords and Commons, that *for further Corroboration of those Acts and utterly to exclude the long usurped Power, Authority and Jurisdiction of the Bishop of* Rome, *that an* OATH *containing the substance and effect of those Statutes, be limitted and tendered to his subjects.*

This parcel of *sacred Worship* (an Oath) is indulged to mankind in *Civil affairs.* Such is the falsness unrighteousness and uncertainty of Men, as that humane societies could hardly subsist without it, The Lord to repair our *Credit* hath formed mens hearts generally, to a great and *apparent* Religion and reverence of this *Ordinance.* The Heathens themselves termed it *Sacramentum* as if the most eminent or only thing Sacred and Religiously to be observed. It is so effectual a means to esta-

 blish

blish a reformation, as *men wi*
Liv. Hist. *be kept firm by Oaths* (saith one
though there were neither Lawes no
Magistrates. We are exposed t
more variety and changes, fro
unsteadiness, in the mind, tha
from any thing that is *without us*
Fix the Conscience, & you fix th
man, whatever *evil* he is there
by exposed to. There is nothing
generally more effectual to fix
the Conscience then an Oath, i
I have Sworn and invocated the
name of God in an engagement
it will be an *end of all strife*, and
dispute with my *self*, as well as
with *others*, *Heb.* 6. 16. our *Coun-*
sels & resolutions are in common
apprehension become *immutable*
when *confirmed by an Oath* v. 17.
Whosoever (saith *Moses*) *sweareth*
Num. 30. 2. *an Oath and bindeth his Soul by a*
bond, it's the bond of the
Soul, we have given security
for our faithfulness from Hea-
yen.

ven. For removing the Romish yoke which lay so heavy upon Prince and People, means hath been used again and again, almost in each Kings Raigne for neer 400. yeers but to no great effect. Gospel light dawning about us, and the binding of our souls by an Oath, hath been the fixing of this great work, and the best fence against Popery that ever was set up. I have spoken the more fully of the *Occasion*, and this *means* (our Oath) that we may not judg the takeing of it to be *a taking the name of God in vain*, for as long as this Nation is in danger of Popish Tyranny in Ecclesiastical matters, so long is this Oath of absolute use and *advantage* as the best security between man and man for union against it.

§. 3. A Parliament being called in 22. *Hen.* 8th the King

Was

was recognized by the Clergy of that Convocation *supream Head of the Church*, the Expreſſion or Form hereof, debated agreed upon and ſubſcribed, by each perſon there, was this *cujus* (*Eccleſiæ Anglicanæ*) *ſingularem Protectorem unicum & ſupremum Dominum &* (*quantum per Chriſti leges licet*) *ſupremum Caput, ipſum Magiſtatem recognoſcimus*. This Title afterwards was confirmed by divers Acts of Parliament and two Oaths formed to this purpoſe in one Parliament, *viz.* 28. *Hen.* 8th the one more *brief* having with it, the ſucceſſion of the Crown in *Cap.* 7. the other more full, and largeand to this purpoſe only, *Cap.* 10. ſome years after, *viz.* in *Anno* 35 *Hen.* 8th a revive of both theſe Oaths was made by the Parliament, and withſome Alterations reduced into one, the rea-

ſon

ſons there are given, why this was done; and it was reſolved. *thoſe Oaths ſhall not therefore be miniſtred, and this Oath to ſtand in force and place of the two Oaths,* which Oath began thus, *I* A. B *having now the Vail of Darkneſs of the uſurped Power of the See and Biſhops of* Rome *clearly taken away from mine Eyes, do utterly teſtifie &c.*

This Oath remained the ſame, the reſt of his Raign, and all *Edward* the ſixth time. Queen *Elizabeth,* in the firſt year of her Raign made theſe Alterations. 1. that Expreſſion of *ſupream Head* &c. went hardlie down by *ſome* as taking too much from the Pope: and as giving too much to any ſecular Prince, by *others.* Though *Hen.* the 8th

by

An. 1533. by his Letter written to th
Clergy of *York* Province wel d
fends it, yet Queen *Elizabeth*, b
1. *Eli.* 2. her Parliament changeth th
Expreſſion. *The Oath was alter*
(to uſe Secretary *Walſingham*
words) *into a more grateful For*
in his letter to Crito of Sec. of France. *the hardneſs of the Name and Appe*
lation of ſupream Head being rem
ved. 2. This Oath by that 3
of *Hen.* 8th might be tendere
to any Subject at the Kings plea
ſure, *Cap.* 1. by the Statute 1
Eli. 8. the urging of it was limit
ted to certain Perſons employe
in publick truſt. 3. The Penal
ty for refuſing it at firſt, was n
leſs then high Treaſon: by th
ſtatute 1. *Elizabeth* the puniſh
ment for refuſal, is only a diſina
blement to take any *promotion* o
Exerciſe any publick Charge
yet with this *proviſo* if after
wards during life there were
a ſubmitting to take this Oath
the

he Perſon might be reſtored to is Office, or Charge. But by the Parliament in 5. *Eliz.* the puniſhment (which as yet ſtands) s greater. The firſt Refuſal of he Oath brings the perſon within a *Præmunire*; and if tenered a ſecond time after the pace of three moneths and gain refuſed by *ſome* Perons; its high Treaſon. This ſeerity in the puniſhment is reompenſed with a more gentle nd indulgent Interpretation of he Oath as will appear in the ext Parag.

As we are not to ſwear raſhly ſo ur Laws do not give Oaths raſhby but with great Care & tenderneſs, weighing and conſidering oth the Matter, Perſons, Pealties and the ſeaſon or occaſin; being not willing their aws or Puniſhments for breakng of them be a ſnare, or at any time

time more grievous to the Sub
ject than the neceſſity of ſta
requires.

§. 4. The true ſcope an
ſence of this Oath may be gath
red from the Lawes and St
tutes ſince eſtabliſhed, and ſom
light alſo from other writers
Note.

Queen *Eliz.* within a litt
time after this Oath was redu
ced to the form wherein no
it ſtands; in an *Admonition* a
nexed to the *Injunctions*, decla
eth the ſence and interpretatio
of it as followeth.

The Admonition annexed to the Queens injunctions.

*THE Queens Majeſty bein
informed, that in certa
places of this Realm, ſundry
Her native ſubjects, being ca
led to Eccleſiaſtical miniſtery
the Church, be by ſiniſter pe
ſwaſio*

ſwaſion, and perverſe conſtruction induced to find ſome ſcruple in the form of an Oath which by an Act of the laſt Parliament is preſcribed to be required of divers perſons, for the recognition of their Allegiance to Her Majeſty, which certainly neither was ever ment, *ne by any* equitie of words or good ſence, *can be thereof gathered: Would that all her loving ſubjects ſhould underſtand, that nothing was, is, or ſhal be ment or intended by the ſame othe, to have any other duty, allegiance, or bond required by the ſame othe, then was acknowledged to be due to the moſt noble Kings of famous memory,*

King Henry *the eighth H*
Majesties father, or King Ed
ward *the sixt, Her Majesti*
brother.

And further Her Majes
forbiddeth all manner Her su
jects to give ear or credit
such perverse and malitio
persons, which most siniste
and malitiously labour to notif
to her loving subjects, how
the words of the said othe,
may be collected the Kings
Queens of this Realm, posse
sours of the Crowne, may cha
lenge authoritie and powe
of ministrie *of divine offic*
in the Church, wherein H
said subjects be much abused
such evil disposed persons. F

certain

certainly her Majeſty neither doth: ne ever will challenge any other authoritie, than that was challenged and lately u-ſed *by the ſaid noble Kings of famous memory, King* Henry *the eight, and King* Edward *the ſixt, which is and was of ancient time* due to the Im-perial Crowne of this Realm. *That is under God, to have the ſoveraignty and rule over all manner of perſons* born within theſe Her Realms, *Dominions, and Countries, of what Eſtate either Eccleſiaſti-cal or temporal ſoever they be, ſo as no other foraine Power ſhall or ought to have any ſuperiority over them. And*

if any person that hath conceive t
ved any other sence of the for such f
of the said othe, shal accept th dmo
same othe with this interpret a Queen
tion, sence, or meaning, her ma ublis
jestie is well pleased to accept e Majes
very such in that behalf, as he ay, to
good and obedient subjects, an Her M
shal acquit them of all manne essors
penalties contained in the sai hat n
Act against such as shall pe sed b
rempiorily, or obstinately re he eig
fuse to take the same Oath the six

In the ~~first~~ year of her raign ion m
there is by Act of Parliament
Confirmation of this sence b Ther
way of *Proviso* in these words. bout t
ther it

The Proviso in the Statute of 5. Eliz. cap. 1.

PRovided also, That the Oat he w
expressed in the said Act to be
made in the said first year, sha of the
In the

be taken and expounded in such form as is set forth in an Admonition annexed to the Queens Majesties Injunctions, published in the first year of her Majesties Raign; That is to say, to confess and acknowledg in her Majesty, Her Heirs & Successors, none other Authority than that was challenged and lately used by the Noble King Henry *the eighth, and King* Edward *the sixth, as in the said Admonition more plainly may appear.*

There may be a doubt made about this interpretation, as whether it be not inconsistent with the words of the Oath, it seems to be rather a material change of them, than an interpretation. In the Oath, *it is all Spiritual or Ecclesiastical*

cleſiaſtical things or Cauſes: the i
terpretation *it is al manner perſ*
of what eſtate either Eccleſiaſtical
temporal ſoever they be, The Oa
ſeems to ſpeak of one thin
and the interpretaion of an
ther, the one of Cauſes the oth
of perſons.

Anſw. There is no oppoſitio
or inconſiſtency between the
two, *Perſons* and *Cauſes*, the pri
cipal object of a Law is a perſo
and a perſon with reſpect t
his Actions, a perſon moral
conſidered: for a perſon Phy
cal, that is in his being only, an
Nature as Man; without move
ing or acting any thing good o
evil, is not the object of a Law
Nor *Actions* of any kind o
ſort whatſoever, as Action
and in that general Conſidera
tion, do come under a Law
but as they reſpect Perſons an
are ſome way or other the Acti

Ad leges, per ſe requiritur poteſtas in perſonam ſecundario in res alias Suar. *de le. lib.* 1. *c.* 8.

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houg
he O
lieth,
man, t
God i
Mens
care for
reſpe
not, t
and re
it altog
tionin
theref
and P
minati
ate pe
Perſo
an *Int*
will t
giving
tual
might
things
prope

on

he ions of reaſonable Creatures:
erſo though a Law be made to puniſh
ical he *Ox which goreth a Man that he* Exod. 21.
Oa *dieth*, yet it is with reſpect to 29.
hin man, to let him know how much
an God is provoked by ſhedding
oth Mens Blood, as *Gen.* 9. 5. *doth God* 1 Cor. 9.
care for Oxen? doth God in his Law, 9, 10.
ſiti reſpect the Beaſt for it ſelf, is it
che not, that Man may be inſtructed
pri and reſtrained? *ver.* 10. *He ſaith*
rſo *it altogether for our ſakes.* The men-
t tioning of Eccleſiaſtical Cauſes
ral therefore doth imply Perſons
ny ſ and Perſons of the ſame Deno-
an mination to whom, ſuch Actions
ove are peculiar, that is, Eccleſiaſtical
d o Perſons, 2. And that this latter, is
aw an *Interpretation* of the former,
o will thus appear; the Oath in
on giving a Supremacy in all ſpiri-
era tual or Eccleſiaſtical Cauſes
aw might ſeem to imply ſpiritual
nd things, to be the *immediate* and
ſti proper object of the Magiſtrates
on Power

Power and ſpiritual *Perſons*, or for this, becauſe they had do in ſpiritual Matters, and infer thence that the Chriſti Magiſtrate hath power in ſpiri al Adminiſtrations as the Wo and Sacraments after the ſa manner as hath the Miniſters Chriſt, who have power in the things, as the principal and i mediate object of their functio Which this form of expreſſion the Admonition doth cleer take away 1. In aſſerting th *by the words of the ſaid Oath Kings Queens of this Realm may not ch lenge Authority and power of Mi ſtry of divine offices in the Chur* 2. The mentioning Eccleſia cal *perſons*, and not ſpiritual Eccleſiaſtical *cauſes* at all, imp eth that the *perſons* of Biſhop Preſbiters, and ſuch like: are p marily and immediately the Ob ject of this ſupream power a th

the Laws made by it, upon another Conſideration then as Biſhops &c. namely as *being born within theſe Her Majeſties Realms and Dominions, and ſuch perſons of what Eſtate either Eccleſiaſtical or Temporal ſoever they be, She hath the ſoveraignty and Rule over them.*

Spiritual and Eccleſiaſtical things are mentioned in the Oath upon a twofold account. 1. becauſe the Civil Magiſtrates power and juriſdiction really extends it ſelf to the duties of both Tables, and hath to do with matters and *Cauſes* as well as *perſons* that are ſpiritual (as hereafter we ſhall ſhew) but 2. Principally that a Calling or Imployment in *Church* affairs (whatſoever hath been formerly judged & practiſed) doth no more exempt a perſon and his actings (that is a ſubject to the Queen upon any other account)

from her ſecular power tha
doth a temporal calling or In
ployment in any *worldly* affair
There is ſomthing of Explic
tion further, in the Articles
Religion concluded in the ye
1562. *the* 37th *Article is this.*

The 37. Article profeſſed in the Church of *England.*

The Queens Majeſty hath th
chiefe power in her Realm
England, *and other her Do*
minions, unto whom the chief
government of all Eſtates
this Realm, whether they b
Eccleſiaſtical or Civil, in a
Cauſes doth appertain, and
not, nor ought to be ſubject t
any forrain jurisdiction.

Where we attribute to th
Queens Majeſty the chief Go
vernment, by which titles w
underſtand the mindes of ſom

ſlanderou

slanderous folks to be offended, we give not to our Prince the ministring either of Gods Word, or of the Sacraments: the which thing the Injunctions also lately set forth by Elizabeth *our Queen, doth most plainly testifie, but that only* Prerogative, *which we see to have been given alwaies to all godly Princes in holy Scriptures by God himself, that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn, and evil doers.*

The Bishop of Rome *hath no jurisdiction in this Realm of* England.

It is mentioned in the *Admonition*, that the Queens Eccleſiaſtical power is *the ſame that was challenged and uſed by* Henry *the eight* &c. which is ſuppoſed by ſome to be the ſame that was in the Pope, the *perſon* only and not the *power* changed; ſo that our Princes are but *ſecular* Popes. This Objection was ſtrengthened by the ſubtilty of *Gardner* broad; and at home, by a Sermon preached at *Pauls* Croſs in the year 1588. by Dr. *Bancroft* who cals Q. *Eliz.* a *petty Pope*, and tels us her Eccleſiaſtical Authority is the ſame, which the Popes was formerly. This 37th Article removes the ſcruple ſufficiently. 1. In aſſerting the Authority given to her Majeſty to be no other but what *we ſee have been given to all Godly Princes in holy Scriptures &c.* And for what power *Henry* the Eighth challenged,

Whom *Calvin* terms impoſtorille. in *Am.* 7 13.

challenged, it was no new jurisdiction wrested from the Pope, but a *Power* or *Prerogative* *justly and rightfully*, belonging to him, claimed and exercised by his Predecessors some hundreds of years before his time, being antiently annexed to the Crown. 26. H. 8. c. 1. 2. In the latter part of the Article it is also evident: for though a power in spiritual causes be given to a secular Prince, yet it's not a *spiritual power*, and such a jurisdiction as the Pope claims, but such a power only and in such a way as is put forth and exercised in ordinary Civil affairs: and the *same*, in respect both to Ecclesiastical and Temporal persons, namely *a restraining with the Civil Sword the Stubborn and evil Doers.* So to restrain or Coerce is an Authority or jurisdiction peculiar to Civil Magistrats, and by Christ himself denied

It is mentioned in the *Admonition*, that the Queens Eccleſiaſtical power is *the ſame that was challenged and uſed by* Henry *the eight* &c. which is ſuppoſed by ſome to be the ſame that was in the Pope, the *perſon* only and not the *power* changed; ſo that our Princes are but *ſecular* Popes. This Objection was ſtrengthened by the ſubtilty of *Gardner* abroad; and at home, by a Sermon preached at *Pauls* Croſs in the year 1588. by Dr. *Bancroft* who cals Q. *Eliz.* a *petty Pope*, and tels us her Eccleſiaſtical Authority is the ſame, which the Popes was formerly. This 37th Article removes the ſcruple ſufficiently. 1. In aſſerting the Authority given to her Majeſty to be no other but what *we ſee to have been given to all Godly Princes in holy Scriptures &c.* And for what power *Henry* the Eighth challenged,

Whom *Calvin* terms impoſtorille. in *Am.* 7 13.

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denied to the higheſt Eccleſiaſti-
Math. 20 25, 26. cal powers *Ye know* (ſaith Chriſt *the Princes of the Gentiles exerci Dominion over them, and they th are great exerciſe authority upo them but it ſhall not be ſo among yo* you Apoſtles, and threatens th uſe of the *Sword*, in ſuch perſon *cap.* 26. 52.

"King *James* ſpeaking of th
" Oath of Supremacy. In th
" Oath (*ſaith he*) is containe
" *only* the Kings abſolute powe
" over all perſons as wel Civil
"Eccleſiaſtical excluding all fo
" raign powers and Potentate
" to be Judges within his Dom
" ons. In his *Apol pag.* 76. and mo
fully afterwards *pag.* 164. "
" implies (*ſaith he*) A Power t
" command Obedience to be g
" ven to the word of God by re
" forming Religion accordin
" to his *preſcribed Will* by aſſiſtin
" the ſpiritual power, by his *ten*

por

"*poral*
" corr
" obe
" Judg
" volo
" as *Co*
" mak
" ved
" for t
" only
" pren
My
and in
tute g
"The
" riſdi
" ed t
" righ
" anci
" parc
" whi
" migl
" Rea
" riſdi
" ding

"*poral Sword*, by reformation of "corruption by procuring due "obedience to the Church, by "Judging and cutting off, all fri-"volous queſtions and Schiſms "as *Conſtantine* did, and finally by "making decorum to be obſer-"ved in all indifferent things, "for that purpoſe, which is the "only intent of our Oath of Su-"premacy.

My Lord *Coke* out of 1° *Eliz.* and in the words of the Sta-tute gives this interpretation. "There is (*ſaith he*) no Ju-"riſdiction, by this Act affix-"ed to the Crown, but was of "right or ought to be, by the "ancient Laws of this Realm: "parcel of his Juriſdiction, and "which Lawfully had been or "might be exerciſed within the "Realm. The *end* of which Ju-"riſdiction & of all the proceed-"dings thereupon, that all things

might

"might be in cauſes Eccleſiaſti
"cal to the pleaſure of Almight
"God, increaſe of vertue, an
"the conſervation of the peac
"and unity of the Realm, as b
"divers places of the Act ap
"pears. And therefore by tha
"Act no pretended Juriſdictio
"exerciſed within this Realm
"being ungodly, or repugnan
"to the ancient Law of th
"Crown, *was* or *could be* reſtore
"to the Crown, according to th
"ancient right and Law of th
"ſame. *Coke de jure Eccleſiaſtico fol.*

Biſhop *Bilſon*, a great ſearche
into the Doctrine of the Supre
macy of Kings gives this as th
ſence of the Oath. "Th
"Oath (*ſaith he*) expreſſeth no
"Kings duty to God, but ours t
"them, as they muſt be obeye
"when they joyn with truth, ſ
"muſt they be endured whe
"they fall into error: which ſid

"ſoev
"dien
"miſſ
"thei
"that
And i
ne int
Supre
he)
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"appe
"ſerv
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"pull
"In t
"then
"at li
"with
"righ
"eartl
Dr.
Supre
Leo to
hus,
your Pr

ſoeve

"ſoever they take, either obe-
"dience to their Wils, or ſub-
"miſſion to their Swords is
"their due by Gods Law and
"that is *all which our Oath exacteth.*
And in a few lines following
he interprets what is meant by
Supremacy. "We do not (*ſaith*
"*he*) give Princes power to do
"what they liſt in the matters
"appertaining to God and his
"ſervice: Indeed we ſay the
"Pope may not depoſe them or
"pull the Crown of their Heads.
"In this *only* ſence we defend
"them to be ſupream, that is not
"at liberty to do what they liſt
"without regard of truth or
"right, but without Superior on
"earth.

Dr. *Morton* againſt the Popes
Supremacy, out of an Epiſtle of
Leo to the Emperor ſpeaking
thus, *You muſt not be ignorant that*
your Princely power is given unto you

not only in worldly regiment, but a
ſpiritual for the preſervation of t
Church. "As if he had ſaid n
"only in Caſes temporal but al
"in ſpiritual; ſo far as it belon
"eth to the outward preſerva
"on, not to the perſonal admi
"ſtration of them: and this is th
"*ſubſtance* of our engliſh Oat
"and further neither do ou
"Kings of *England* challenge no
"Subjects Condeſcend unto. p
26.

Lib. 3. c. 5. Mr. *Maſon* in his *Vindiciæ Eccleſ*
Angl. ſpeaking of *Calvins* being o
fended, *verum ſi intellexiſſet nih*
aliud ſibi voluiſſe hunc Titulum &
"*Calvin* would never have diſal
"lowed this Oath, if he had un
"derſtood by the title of ſupreat
"Governor in Eccleſiaſtical thing
"that nothing elſe had been cla
"med, but an excluſion of Popi
"Tyranny and a Lawful powe
"in the King over his Subjects
which

"which ſtands not in coyning "new Articles of Faith or Forms "of Religion, ſuch as were *Jero-* "*boam's Calves*; but in defending "and propagating that Faith and "Religion of which God in the "Scripture is the undoubted "Author. In this ſence and *no* "*other* that ever we have heard "of, is the Title of ſupream Go- "vernor given to, and accepted "by, the King.

§. 5. This Oath hath matters contained in it, (as you may perceive) that are not of one nature and kind; The aſſent and ſtipulation required of us, in reſpect to the ſeveral parts of it, is likewiſe various and different. As our Creed according to the different nature of the Articles, is believed by different Acts of Faith. To what is contained in the former part of the Oath in theſe words, I do utterly teſtify,

and declare in my conscience tha
the King's Highnesse is the onl
Supream Governour of thi
Realm, &c. Herein is require
a true reall and cordial assent t
and profession of, what is menti
oned: as also to give this testi
mony with such sincerity o
heart as in the presence of God
To swear positively to any dog
matical assertion, is not required
it would be a taking the Name
of God in vain: for if it be a cer
tain & undoubted truth in it sel
and to others: as are principles
in *reason* & Articles of Faith, an
Heb. 6. Oath is vain, for it *ends no strife*.
2. If doubtful and a question
whether true or not, though
such an Oath puts it out of que-
stion that I beleeve so; yet not
that it is a truth. My Belief
though ever so much evidenced
and confirmed, doth not make a
doubtful matter, in it self more
credible: nor is one mans bele-
ving an assertion any just ground
for

for another man to believe the ſame; ſuch an Oath is therfore in vain, its not a fit *medium* to end ſuch a Controverſie. 2. It is further ſaid, I do utterly renounce and forſake all Forain Jurisdictons, *&c.* this requires not only the ſincerity of my perſwaſion, and profeſſion againſt the Title and Claim, of all forain powers; but upon Oath to forſake, that is to abjure (we abjure when we ſwear to quit and forſake) To forſake a Power or Juriſdiction; is to refuſe & not to receive ſubmit or yield obedience to any Commands given by it, or make any appeals or complaints to it. 3. That which followeth and wherein the main of this engagement lieth is in theſe words, I do promiſe that from henceforth I ſhall bear Faith &c. and to my power ſhall aſſiſt and defend all Juriſdictions, *&c.* Herein is required a *promiſſary* Oath, ſwearing Allegiance

giance to the King, and (a
Loyal Subject) to ſubmit to
Laws, as alſo if there be occaſio
to my power to aſſiſt and defe
him, and all Juriſdictions a
Priviledges belonging to hi
Though my perſwaſion be ev
ſo right, my reſolution ever
ſincere, at the taking of th
Oath; that's not all is require
In an *aſſertory* Oath; if there
truth and a right frame of hea
in the time I ſwear, and give m
teſtimony it ſufficeth: But a *p*
miſſory Oath is not diſcharged
this, that I ſincerely inte
what I ſay and promiſe, for I e
gage to action, and for the tim
to come; I muſt not only pr
miſe, but (if it be Lawful a
poſſible) I muſt act and do a
cordingly, *Numb.* 30. 2. *If a m*
ſwear an Oath to bind his Soul with
bond, he ſhal do *according to all th*
proceedeth out of his mouth.

CHAP

CHAP. II.

What is ment by Perſons and things ſpiritual or Eccleſiaſtical; in the proper, as alſo in the vulgar uſe of theſe Terms.

IF this Expreſſion *Spiritual* be interpreted by the Contradiſtinct Member, *Temporal*, it ſeems to direct us, to underſtand ſuch matters as concern *Eternity* for that is the true oppoſite to what is *temporal*, 2 *Cor.* 4. 18. *the things that are ſeen are* temporal *and the things that are not ſeen are* eternal, now in ſtrictneſs of Speech *carnal* not *temporal* is the oppoſite member *to ſpiritual*; *I could not ſpeak unto you as* ſpiritual *men but as to* carnal, 1 *Cor.* 3. 1. and 1 *Cor.* 9 *if we have ſown unto you* ſpiritual *things is it a great matter if we reap your* carnal *things?* But this is too narrow

narrow and ſtrict a ſenſe. Ther
are matters *vulgerly* termed ſp
ritual or Eccleſiaſtical, bein
ſuch in Name and Title only
having nothing of a ſpiritual n
ture in them. Such a Diſtinctio
of ſpiritual things you have in
Letter written by *Henry* the 8
to his Clergy, of the Province
York, in the year 1533. who we
offended at his Title of bein
ſupream Head of the Church: Me
"(*ſaith he*) being here them
"ſelves earthly, and tempor
"cannot be Head and Gove
"nor to things eternal, n
"yet ſpiritual; taking th
"word ſpiritual not as in th
"Common ſpeech *abuſed* but
"it ſignifieth *indeed*. By ſpiritu
"al things as abuſed in Com
mon ſpeech, he means what
given to all ſuch Perſons an
Cauſes, as belong to the ſpiritu
al Court and are termed by *Civi*

lian

liam cauſæ vel res contentioſæ vel judiciales, matters of conteſt, *inter partes, actorem & reum*, and come to be determined by Sentence of the Judg in thoſe Courts. By thoſe things that are *indeed* ſpiritual: is meant *res extra judiciales* or *non contentioſæ*, that is ſuch things as are determined not in a Judicial, or *Court* way of tryal; by Witneſſes, Oaths, interpleadings Sentences and the like; but in a more deliberat and *ſynodical* way, having the word of God for Witneſs and Judg: both in reſpect of what we do, and what we may do in things of this Nature. *Cauſes Eccleſiaſtical* (ſaith Dr. Field) *are of two ſorts for ſome are originally and naturally ſuch, and ſome only in that they are referred to the Cognizance of Eccleſiaſtical Perſons, as the probat of Teſtaments, Matrimony &c.* thoſe ſpiritual Courts being continued:

Field of the church pa. 680.

and the ſame *Cauſes* tryed i
them as before, when this Juri
diction was uſurped; The ma
ters that were then, are ſtill vu
garly reputed ſpiritual.

Emperors receiving the Chr
ſtian faith, honoured the learne
and godly Biſhops antientl
with ſome Juriſdiction, in th
caſes of Tithes, Matrimony wi
and the like: which are terme
Eccleſiaſtical, or ſpiritual; no
from their own Nature, bu
from the *quality* of the Perſon
who were made Judges o
them. They being *ſpiritu*
Men; the Cauſes come to b
called *ſpiritual Cauſes* (afte
their Names and Quality) th
were ſet over them. The
Cauſes growing and increaſin
in after times, according as ſp
ritual Perſons were able by th
Popes aſſiſtance, to rifle from
Princes; the managing of them

requir

require more hands, than thoſe to whom firſt committed, namely the Biſhops, and ſuch as were in holy Orders, they therefore took in for aſſiſtants, a great number of others as *Archdeacons*, *Chancellors*, *Comiſſaries*, *Officials*, *&c.* and theſe are denominated ſpiritual from thoſe *Cauſes*, and their *aſſiſtance* of Biſhops, in the managing of them: and their Courts ſpiritual Courts.

There are *Perſons* that are truly ſpiritual, *The ſpiritual man* (ſaith *Paul*) judgeth all things, 1 *Cor.* 2. 14. and *Gal.* 6. 1. *Ye that are ſpiritual*, &c. That is ſuch as have Grace and Holineſs, He alſo that hath ſpiritual gifts, and in a Goſpel office or calling, is a ſpiritual perſon, 1 *Cor.* 14. 37. *a Man of God.* 2 *Tim.* 3. 17. And there are *Matters* or *Cauſes* that are truly ſpiritual: as *the Law is ſpiritual* *Rom.* 7. The Goſpel and preach- 1 *Pet.* 2. 5.

ing of it, is *a ſowing of ſpiritu*
things, 1 Cor. 9. the worſhip an
1 Cor. 12. ſervice of God, and all Gifts an
1 and 14. Ordinances of Chriſt, are ſpiritu
12. al. Yea whatſoever things n
tural, or moral, that are helps
the perſons worſhiping; and
which the worſhip it ſelf b
comes more orderly and to ed
fication, and in the defect wher
of *the Name of God is taken*
Vain, and Ordinances of Chri
become leſs acceptable and eff
ctual: theſe things and circum
ſtances, in ſome ſence may
termed ſpiritual or Eccleſiaſtic
Perſons and Cauſes of each ſor
whether *vulgarly* or *properly*
termed ſpiritual or Eccleſiaſtic
are ſome way or other under t
Magiſtrates goverment.

The former of theſe, Tho
ſpiritual perſons and Courts, an
Cauſes appertaining to them
in the firſt framing of this Oat
wer

were principally (if not only) intended and aimed at, as appeareth in the Statutes before mentioned. And indeed the greateſt Contention, between the Pope and our Princes in all times, hath been about Eccleſiaſtical matters of that nature: being then judged, of greateſt prejudice in reſpect both to the *honor*, and *wealth* of this Nation. For, thoſe matters more truly ſpiritual, and neerly relating to God & his ſervice (the Ignorance of the times was ſuch) His impoſitions; both in Doctrine and Worſhip (though very ſinful, unſound, and ſuperſtitious) were generally received by Prince and people in this Nation, without reſiſting or complaining.

There can be no queſtion but theſe matters, being indeed temporal, properly belong to the ſecular powers. For,

for

Sr. *J. D.* in his Reports the Case of premunire.

for the ſpace of three hu
dred yeers, this diſtinction w
not known (ſaith Sr *John Davi*
or heard of in the Chriſti
world; the Cauſes of *Teſtamen*
Matrimony, &c. termed Eccl
ſiaſtical or ſpiritual were mee
ly Civil and determined b
the Civil Lawes of the Mag
ſtrate.

And for perſons and Cauſe
ſpiritual or Eccleſiaſtical, th
are properly and *indeed* ſuc
as firſt Table duties, which co
tain matters of Faith and ho
neſs, and what conduceth to t
eternal welfare of mens Soul
an intereſt and duty there is
the Civil Magiſtrate *more ſuo*, t
give Commands, and exerci
Lawful juriſdiction about thin
of that nature. And for *perſon*
there is no man for his graces
ſpiritual, or in reſpect of his gi
and Office ſo eminent; but h

is under the Government of the Civil powers, in the place where he lives, as much in all reſpect as any other Subject.

CHAP. III.

1. *Of Power, its riſe and original.* 2. *two ſorts of power in Eccleſiaſtical or ſpiritual things.* 3 *their agreement, and.* 4 *Difference of the one from the other.*

§. 1. THere is a difference between *Potentia* and *Poteſtas Potentia*, δυνάμις, *ſtrength force, robuſtneſs*, ſuch a power is found not only in men, particular perſons as *Sampſon Goliah &c.* but in other inferior Creatures. Job. 40. 18. *Poteſtas* ἐξουσία *Jurisdiction Authority*, this is peculiar to rational Creatures and as they are a commonalty and in ſociety one with an other. Though force and ſtrength

ſtrength as in ſingle Perſons ſ
ſuffcient for publick actions, y
without Authority, we act n
lawfully: And having Autho
ty, if we have not power a
ſtrength ſufficient, we cann
act effectually, therefore joyn
together in a King. *Dan.* 2.37.

All men by Nature are equa
yet, in the firſt forming of m
a Capacity, is found in hi
with ſome remote Diſpoſiti
to rule and obey: as, 1. a
ciableneſs, *let us make man in*
Image; us and *our* a Trinity in O
his Creator: Hence in each M
Conſtitution a propention a
Natural bent to Union, this G
himſelf obſerves, *it is not good*
man to be alone, the woman is c
ated, not only for a Compani
but that men and women mi
increaſe and be multiplied.
Multitudes of men if not re
ced into ſubordination and

der h
Righ
evil t
himſe
ſelf o
that
where
preſs,
thers.
republi
that ſo
be pro
on, bu
4. Suc
and a
ſuch
only is
Man
this pri
ciablen
hath it
ced pri
and re
good o
and not

der having loſt their Original Righteouſneſs, will be a greater evil then if each were alone by himſelf. One man wil exalt himſelf over others and according to that *bruitiſh force* and ſtrength wherein he excelleth Rob, Oppreſs, Murther and pillage others. 3. Hence a neceſſity of *republicks* and Common weals that ſome Rules and Laws may be provided not only for direction, but for correction if need be. 4. Such Laws imply authority; and a *Supremacy* alſo in it, for ſuch Authority or Jurisdiction only is legiſlative.

Man conſiſts of Soul and Body, this principle of Civility or ſociableneſs (whence Authority hath its original, and riſe) is placed primarily in the Soul, ſociety and republicks are for the *moral* good of mens ſouls therefore: and not to accommodate the bo-

dy only. The powers also th
are, being *ordained of God* who
Rom. 13. *the Father of Spirits*, ought to b
managed and directed to ma
ters wherein our souls and sp
rits are concerned. The goo
and evil for which these *Pow*
are *ordained* is not limited to t
body or outward man.

The power of Parents a
Masters in the Family, it is Ci
not sacred, yet ordained for t
bringing up Children and Se
Eph. 6. 4. vants *in the nurture of the Lord.*

There being a New Creati
in and through the Lord Je
Christ. These Persons Creat
of God, *partake of a divine natu*
and thence, the like propensi
to Union and a holy Fellowsh
with those whom Christ hath r
deemed out of the world. The
fore a special provision is ma
by the Lord Jesus for suc

to joyn together in particular ſocieties or Churches, Himſelf being appointed by his Father, to be their King and Law-giver, who hath left them Rules and Laws for managing the affairs of theſe ſpiritual corporations or *Brotherhoods* (as the Scripture terms them) Power alſo and Authority for the putting theſe Laws into execution is given unto Churches. So that there is a twofold power or authority, to be exerciſed in Cauſes and over perſons Eccleſiaſtical or Spiritual the one placed in the Princes, the other in the *Churches* of Chriſt.

1. *The difference betwixt theſe two Powers.*
2. *The Neceſſity of the Civil Power in Eccleſiaſtical matters notwithſtanding Church power.*

§. 2. What is Common to both, and wherein each of theſe powers

wers differ from the other, ſh
briefly be ſhewed.

1. They are *Powers*, both,
Subordination or Policy in t
Church, as wel as in the Co
mon weal, and an ἐξουσία or Juri
diction exerciſed, in each, yo
read of Authority or Juriſd
ction not only in Civil aſſembli
as, *Rom.* 13. *John* 19. 11. but al
in Churches, 2 *Cor.* 10. 8, and
10 the word is ἐξουσία in both pl
ces.

2. They are both from Go
and the Ordinance of God, a
ought to be ſubmitted to *for Co
ſcience ſake*, and are for enco
ragement to thoſe that are goo
and for wrath upon him that d
eth evil, and he that *reſiſteth* th
power in either *Reſiſt's the Ord
nance of God*, and they that reſ
receive to themſelves damnat
on (as the Apoſtle ſpeaks)
wel in reſpect to the one as t
othe

other. And both being from God, they are alſo both powers *under God* that is under his deſignment and limits, as alſo his direction and guidance; for his Glory as the Ultimate, and the good of mankind, as the penultimat end of both.

3. This Power of Princes, is termed ſpiritual *Ratione abjecti*, becauſe it hath to do with ſpiritual Perſons and Cauſes. In ſuch like a ſenſe, & manner of Speech (if it had the ſtamp of vulgar Uſe) the Church power, may be termed Civil or Temporal: becauſe all ſorts of Perſons and Cauſes, without Difference are under the Power of it. That as the ſecular Power is *Cuſtos utriuſq; Tabulæ*, matters of Holineſs (& what's oppoſite to it Blaſphemy, Hereſie, Perjury, &c.) as wel as Righteouſneſs: ſo Church Power is *Cuſtos utriusq; Tabulæ*; righteouſneſs

teousneſs and ſecond table Du-
ties, and what is oppoſite as re-
bellion, ſedition, lying, ſtealing
if any man that is *called a Brother*
be a Fornicator, or a Drunkard, o
an Extortioner &c. In al theſe and
ſuch caſes the Church power is
applyed in an Eccleſiaſtical, o
ſpiritual way; as in a Civil and ſe-
cular way the Magiſtrate deale
with what are Duties of the firſt
Table.

The Powers do mutually fur-
ther each other, and ſo ordained
by God, (from whom they are
both Originally) as they ſweet-
ly comply and agree, (being
kept in their juſt bounds) each
with other; as *Moſes*, and *Aaron*
David, and *Nathan*, *Zerubabel* the
ſon of *Shealtiel* and *Joſhua* the Son
of *Joſedech*. *Jungamus Gladios* ſaid
an Emperor to his Biſhop, let us
joyn our forces and purge the
land of Wickedneſs. And our

Senators

Senators in Parliament, ſpeak thus of theſe: *Both Authorities and Juriſdictions joyn together, and the one helps the other.* Stat, 20. *Hen.*8. *c.* 12.

§. 3. Their Differences are in theſe particulars.

1. Though both have (in their reſpective way) to do with both Tables, yet the Civil Magiſtrates work lyeth moſt, over perſons with reſpect to the Duties of the ſecond Table; as in matters of *Juſtice*, and Righteouſneſs: in the managing whereof, the very being of a Common-wealth principally conſiſts; its wel being only as he hath to do in ſpiritual or Eccleſiaſtical Cauſes. So the Church power is chiefly and principally exerciſed in the ordering of perſons, with reſpect to the firſt table Duties and which appertains to *Piety*: wherein, Is the being and conſtant employment of

Churches.

Churches. The other that is, matters of Righteousness, Justice, Sobriety and the like, are occasionally [redacted] and *in ordine ad spiritualia* under Church power and Censures.

2. The Power of Churches is not only spiritual *Ratione abjecti* because its over spiritual Persons and Causes: but *ex Natura rei*, a spiritual Power having spirituality, and its Denomination from more intrinsick Considerations as the Matter, Form, Subject, Rule, End &c. and not from the Object onely, as that other Power. Which, though it be in spiritual things, yet it is not properly spiritual Power, the sword which it beares is not *the Sword of the Spirit* Eph. 6. *which is the Word of God*, and this word is eternal not temporal, *it endureth for ever*, the Power and Soverainity of it is from Christ, *out of his Mouth*

we

vent a ſharp two edged Sword, his Rev. 1. 16
Sword and Power being ſpiritu-
l it *pierceth*, runs deep, *Heb.* 4.
even *betwixt the Soul and the Spi-*
rit, there comes no ſuch ſword or
law, from Civil Authority: that
Power in its greateſt Efficacy,
reacheth not the inner man,
though to be ſubmitted unto for
Conſcience ſake, Indeed this
Power is over ſpirtual perſons,
But not immediatly and directly
over their ſpiritual part: By
theſe powers we are given up to
Priſon, to baniſhment, to death,
but not to Sathan. It is not for
cruciating the ſouls and perplex-
ing the Conſciences of men, as is
Church-power, where there is
cauſe.

3. That of ſecular Magiſtrats
even in ſpiritual affairs, and ha-
ving to do primarily with the
outward man: is more Authori-
tative, It is *Juriſdictio proprie dicta*

Legiſlative Coercive and in
his respects the ſame as in Civil m
ters. What he doth it's his o
name & truly αρχιτεκτονικὴ Chur
power is not properly Juriſdic
on or authority as in the Chur
but as in Chriſt the head of t
Church, as ſeated in the Chur
or *Cœtus fidelium* it's only Διακ
Miniſterium not *Dominium*, a
acts all, in the name or author
of Chriſt.

4. They differ in *Extenſion*
reſpect to both Perſons and C
ſes. 1. Church power is limit
to a particular Congregation,
Family power to thoſe of o
own houſhold, but this other, E
cleſiaſtical power ſeated in t
ſame Perſon or Perſons, exten
it ſelf, throughout a whol Kin
dom, yea ſomtimes to more th
ffor one. But in ſome *one* Provin
or Kingdom you read in Scri
tures of *many* Churches. Th

cometh to paſs from another difference between theſe powers, The Manage of Eccleſiaſtical affairs as in Civil Magiſtrates may be delegated to other hands by way of Comiſſion or Deputation, They may ordain under them ſubordinate Thrones and inferior powers acting in their names, which is Lordly and ful of Honor and State, But Churches may not do ſo, by delegation of power Repreſentatives, or any other method or way, to ſtretch forth the wing of their Authority (like that of the Civil) over all the Churches of a Nation: Or over more Congregations, than one, or a greater than ordinarily partake of all other Ordinances together; is not at all ſutable to a Church Condition, which is Miniſterial not Lordly. So Mr. *Bradſhaw* as the Opinion of the N. Conformiſts

"We Confine and bound all
"Eccleſiaſtical power within
"the limits only of one parti-
"cular Congregation, holding
"that the greateſt Eccleſiaſtical
"Power ought not to ſtretch
"beyond the ſame. And that it
"is an arrogating of Princely Su-
"premacy, for any Eccleſiaſti-
"cal perſon or perſons whatſo-
"ever to take upon themſelves
"Eccleſiaſtical Juriſdiction over
"many Churches, much more
"over whole Kingdomes and
"Provinces of Churches. Dr.

Of Supremacy. pa. 238.

Bilſon ſpeaks much to this purpoſe, "though ſaith he Biſhops
"may be called Governors in re-
"ſpect of the Soul, yet Only Prin-
"ces be Governors of Realms:
"Paſtors have Flocks and Biſhops
"have Dioceſſes; Realms Domi-
"nions and Countries, none have
"but Princes and Magiſtrates;
"and ſo the ſtile Governor of this

Realm

Realm belongeth only to the Prince and not to the Preist, and importeth a *publick* & *Princely* regiment. " The Comõn wealth (saith Mr. *Baxter*) containeth all the People in a whole Nation or more as united in one Soveraign. But particular Churches have no general Ecclesiastical Officers, in whom a Nation must unite as one Church, but are as several Corporations in one Kingdom, &c. *We see* (saith Sr. *F. Bacon*) *in all Laws in the world, Offices of Confidence and Skil, cannot be exercised by* Delegation, *all such trust is* Personal *and inherent, and may not be transposed and delegated, as that of Kings, which for the most part is hereditary and rather an Office of intrest than Confidence.* 2. In respect to causes, the Church power extends its *Censures* to no causes, but such as the other may, as to Popery Heresie &c. But in many Cases the Civil Mag-

Holy common wealth page. 220.

Considerations the Church affairs.

Magiſtrate extends his Care
Authority where Church Pow
meddles not, as to Jews and P
gans, and ſuch as are not Memb
of the Church: ſome things m
be done by the Magiſtrate ev
for theſe being Members of
Common-wealth that may c
duce to their ſpiritual good. T
Church Power is limitted
1. *Corinth.* 5. 12. So likew
whether the Crime commit
be private or publick, ma
of Scandal or not, or the Per
penitent or otherwiſe, th
Powers are at Liberty to pu
or pardon alike. And as t
ſhall judg it expedient to
ſevere or mercifull accordi
they may form or reform
Laws and Statutes by wh
they govern; making the ſ
Fault *Treaſon* in one Age,
in the next, not ſo much as
priſonment; but Church po

1 Eliz. c. 1 with 35. Hen 8.

is limitted, the ſame Crime the ſame Puniſhment ever, not being in the power of this Republick to vary, in their proceſs, in reſpect of leſſer or greater Cenſures if the Crime be the ſame.

5. In their Conſtitution or tenure, *licet omnis Poteſtas* (ſaith *Carbo*) *tum Eccleſiaſtica tum Civilis, ſit a Deo tamen non eodem modo nam politica licet univerſe ſit jure divino in particulari eſt jure Gentium, Eccleſiaſtica omnimodo eſt jure divino & a Deo.* Government in General is of divine Right, but whether in this or that particular form, as in one, or a few repreſenting the reſt, this is humane and hath its Original from Man, that Power which is termed an *Ordinance of God* in *Rom.* 13. is called an *Ordinance of Man*, in 1 *Pet.* 2. Church power and Government being ſpiritual, hath all particulars for ſubſtance, both in reſpect of perſons

Carbo de leg. Lib. 2 Cap. 8.

ſons and Adminiſtrations, f
matter and manner, appointe
by Jeſus Chriſt, and in all Na
ons to be the ſame. Civil P
wer even in Eccleſiaſtical Ma
ters in many things for ſubſtan
is left to the prudence of th
ſtate in which it is exerciſed; an
in the forms of it various, acco
ding to the manner of the Nat
on as for inſtance: Inſpection in
to religious Aſſemblies, viſiting
and obſerving their Demenou
receiving Complaints by reaſo
of wrongs, diſorders &c. Thes
things may be done by the Civ
Magiſtrate in his own Perſon, o
by perſons authorized from
him, theſe Perſons may be ma
ny, or but one in a Diviſion
theſe Diviſions of larger or le
Compaſs. And for the manne
of procedure, its various: as ec
cleſiaſtical Courts differ in thei
manner of proceſs from Civil, o
o

of a Method or Way of handling Cauſes different from each, be eſtabliſhed by Law, its equally warrantable. There are particular Directions left by Chriſt, according to which the Officers (and perſons more eſpecially intruſted with this power) are deſigned to, and inveſted in their places, and Charge: as *Election*, *Ordination* &c. with *faſting* and prayer. The other powers, are ſettled upon and claimed in ſuch wayes as the reſpective Law of Nations deſign, as by *Birth*, Lot, Victory, Donation or the like; as well as *Election*; in ſo much as a Woman, or Child may have a rightful Claim to this ſupream truſt, and the management of it, by themſelves or others as ſhall be appointed.

CHAP. IV.

1. *Of the Neceſſity and Uſefulneſs of a Juriſdiction over perſons, and in Cauſes Eccleſiaſtical; beſides what is in Churches.* 2. *This Power is placed in Kings and ſuch as are the ſupream Governors in a Common-wealth.*

§. 1. FOr the 2d we ſhall ſhew How neceſſary and uſeful *Civil* power is, even in *Eccleſiaſtical* or *ſpiritual* matters, notwithſtanding the *other*. It is not to be denied that ſouls were converted, and Churches eſtabliſhed and kept up, when there was no aſſiſtance but rather oppoſition from the Princes of the Earth as in the *Apoſtolick* and primitive times. The benefit we have now by Chriſtian Magiſtrates, was *then* more abundantly ſupplied (the infancy of Chriſtianity re-

quiring

quiring more) by the Miracles wrought, and the constant direction and Care of Apostolick and extraordinary persons; who were gifted by Christ for that purpose.

All the Ordinary helps that now we have, by external and more sensual or carnal means, contributing any thing to these great works: Is only a pious and Christian Magistracy, where a Nation is blessed with it. The benefit hereof is much in a spiritual respect; both to the *world*, as likewise to the *Church*.

1. It is (though remote) a great help to bring men out of their natural Condition unto life and salvation. We are exhorted to *pray for Kings* and *such as are in authority*, 1 Tim. 2. the reason ver. 4. *for God will have all men to be saved and to come to the knowledg of the truth*. As the Knowledg of

the truth is a means to bring
Soul into a saving state; so is th
Magistrate, (being enlightne
himself) a great means to brin
us to the knowledg of th
truth. Those men were in
great distance from God, in a r
against Christ, and Religion
Psal. 2. 1. they did *combine*
gainst the strict waies of the G
spel. These poor *Heathens* b
ing notwithstanding *given*
Christ by Election ver. 8. *Da*
useth a twofold method, for
ducing them, the 1st is a rep
senting their wretched and
ferable condition, while in th
state of enmity ver. 9. Then
deals with their Princes and R
lers, to be forthwith *instructed*
serve the Lord that is as Kings a
Magistrates in their publick c
pacity. But must not the pe
ple be instructed also? *Such* M
gistrates will speedily provid

and take Care for their people, that they may be brought to the Knowledg of the Truth; and therefore it needs not to be mentioned.

The Magiſtratical Power conduceth to this Work divers waies. 1. by ſetting up and protecting a Goſpel Miniſtry; He only can ſubſerve providence, by ſending, or giving way to others, to ſend forth fit perſons: and enforce a maintenance for their encouragement in this work. By ſuch a WORD of providence, (it is διὰ ῥήματος,) we come to *hear*, and by hearing we *beleeve*, *Rom.* 10.17. He can urge his people to come to the means, and outwardly conform to the ſame; and ſo bring them to the Knowledg of the truth: The very Knowledg whereof though not ſaving, is a meanes at leaſt to reſtrain our inbred Corruption;

and

2 Pet. 2. 20. and to work preparatively t
Converſion, bringing men into
Condition, *not far from the King*
dom of Heaven, as Chriſt ſpeak

2. The Civil Magiſtrate hat
power to puniſh and reward
and ſo to work upon the Paſſi
ons of *fear*, *deſire*, *hope*, *&c.* Man
even in his Natural Eſtate, hath
free will in Moral Actions, if it
be excited and drawn forth
The Paſſions are ſo ſeated be
twixt the Will and Senſes, that
outward and ſenſual Object
work effectually upon it; the
motions of the will in this our
State of Corruption, depending
more upon the viſions of what is
ſenſual, then what is a *rational*
good or evil. The moſt com
manding and ſtirring paſſion, and
with moſt life and vigour, in
Natural man, is ſelf or *ſelf Love*.
It is the firſt principle uſually
that God excites in us toward

Con

Converſion: as in the Parable of the *Prodigal*, and divers other Scriptures. Sickneſs, Poverty, and the like occurrence of providences, (puniſhments for ſin) being ſanctified by the Lord work much upon us, ſo Miſeries inflicted upon the more obſtinate, from Magiſtrates (in juſtice for evil doing) have the ſame Operation: and by reaſon hereof, groſs Corruptions are kept in, and reſtrained: whereby the *Habits* of Sin decreaſe, and become leſs rank in the Soul. Its a *hedging our way with Thornes*, as the Prophet ſpeaks.

Hominem et ſi timore pœnæ fugiat peccatum, paulatim affectum & animum ad illud amittere & é contrario concipere odium illius; ideoq; etiam vitare peccatum Ariag. *de leg.* Diſp. 13. § 9. *Hoſ.* 2. 6.

A great part of the World lye without the pale of the *Church*, and the ſeverity of its Judicature, reacheth them not. This power is exerciſed onely on *Church Members*; we have nothing to do to *judg them that are with-*

1 Cor. 5. 12. 13. *without*, though they be *Forni-tors, or Covetous, or Idolaters, or Dr-kards, or Extortioners*; Church in respect of Censures and p-nishment leave them to God the Magistrate, or the like pr-vidential way to judg them v 13.

3. *Impedimenta removendo*, removes corrupt Teachers, th *slay* mens soules, by crying pea *prophesying of Wine &c.* indul-ing sinners in their security: a such as by Errors, and false d-ctrine *poyson* mens soules, to th eternal perdition; by restra-ing stage playes, not permitti Brothel houses, and the like F-menters of sin.

Mich. 2. 11.

Now there is no meanes provision, so certain and ge-rally effectual to send out pr-chers to urge and constrain m to hear, and for all these p

po

poſes as this: when the Magiſtrate according to his Truſt and Duty, puts forth his Authority in theſe matters, Or that will ſo *Univerſally* as an external means ſtir that principle of *Self love* in *all* men; to the ſeeking after what is *Good*, and the ſhunning of what is *Evil*. A *Coercive* power of this nature is placed in no other hand but His. Miniſters may Preach and perſwade, but muſt be *no ſtrikers*, may not ex- 1 Tim. 3. 3.
ternally afflict and conſtrain, *Peter* may not uſe his Sword in Chriſts *Math.* 26.
quarrel. God only and the Civil Magiſtrate, Further our *Happineſs* by making us *Miſerable*.

Paul, who had as much power, as any man of that Order; Yet his *Weapons* were only *ſpiritual*: and though an Apoſtle, yet could not do ſo much as the meaneſt Civil Magiſtrate in ſuch a Coercive way: for their weapons

will whether men incline or no
have an operation, and consta
effect less or more, to whom
ever applied. This power ther
fore of the Civil Magistrate ca
not well be wanted, or if it b
there is no ordinary means to
had for a supply in the room
Judg. 17. 6. it. When *there was no King* i
Israel *every man did what was ri*
in his own Eyes, followed th
waies his Lusts led him to. Su
pose there be good Counsel, a
instruction: yet, to many pe
sons, it signifieth little: f
some men are not corrigib
by words, Prov. 29. 19. The *Fo*
lishness that is *bound up in our hea*
must by Correction be driven far fr
us, Prov. 22. 15.

4. I shall conclude adding in th
Rom. 13. last place. The *praise of well doi*
The countenance & encourage
ment of the Magistrate, to tho
that *Preach*, & those that *Obey*, th
Gosp

Gospel of our Lord Jesus Christ, renders it even to a carnal Heart desireable. The Lord gives this honor to a poor *Servant* faithful in his place, that he *adorns the Gospel*, and renders it more acceptable and effectual. So likewise the *Conversation* of a *Wife*, that those who *obey not the word*, *are without the word*; *wone* by such a Conversation: that is, wone to the love of the word, and the liking of those waies that are according to the word. Much greater is that Honor and Ornament which comes to the Gospel: when the Magistrate, not only by his Conversation and personal example: but by his Laws and authority, sets himself to encourage all he can, the Preachers and Professers thereof; bearing them up against dispisers and scoffers.

Tit. 2. 10.

1 Pet. 3. 1

2. In respect to the Church, *To the Church.*

and ſuch as are effectually call
out of the world God hath p
miſed, and in the Scripture m
Comforted his people in t
that they ſhal have great ben
by the Civil Magiſtrates that
over them: as *Eſa* 32. 2 & 4
49. 23 and *cap.* 60 16. theſe p
miſes relate to Goſpel-tim
And thoſe places *Numb.* 27.
and 1 *Tim.* 2. are equivolent
Promiſes; a *Prayer* is as it wer
Promiſe reverſed, what is ſpok
by the Lord in a promiſe be
returned, is the ſtrength and c
fidence of a Prayer. *En*
ragements alſo to obey *Pre*
imply Promiſes: So that
Rom. 13. and 1 *Pet.* 2. our ſubje
on is required upon this Co
deration, that Kings are for
praiſe of them that do w
Rom. 13. ordained of God *to*
(to the Church and to ev
Saint) *for good.* The Lord in
d

doth not only promiſe, but, as it were undertake for the Magiſtrate, that he ſhall be ſuch a one: as thoſe that are *Pious* and *Righteous*, thoſe *that do well* need not dread or *fear* to be under him. A good Magiſtrate is a bleſſing, and matter of joy and rejoycing to the people of God, *Prov.* 29. 2. *Eccleſ.* 10. 17. A great fruit and evidence of his love to them 1 *King.* 10. 9. and 2 *Chro.* 2. 11. *Becauſe the Lord hath loved his people he hath made thee King over them*, it's ſo ſpoken of *Solomon.*

The benefit and good to the Churches and Saints from the Civil Magiſtrate, may more particularly be judged of in theſe conſiderations.

1. Kings and Princes are an *Ordinance* of God or *Medium* by which in a more ſpecial & peculiar way, he communicates his power & Wiſdom & Juſtice for

the Governing of all ſocieties of men 1 *Kings* 3. 28. *All* Iſrael *feared the King for they ſaw that the Wiſdom of God was in him to do judgment,* ſo the Power and Juſtice and the like Attributes of God become *viſible* in this Ordinance of God: ſee *Eccleſ.* 8. 2. *Numb.* 27 20. *Prov.* 16. 10. and 21. 1. It is brought as an Argument to Magiſtrates againſt partiality and Bribery 2 *Chron.* 19. 7. *There is no iniquity with the Lord our God, nor reſpect of perſons, nor taking of Gifts.* What is or is not in God, ſhould be or not be found in him that is a Magiſtrate. They are therefore termed *Gods,* becauſe viſible repreſentations of Gods Attributes is or ought to be in their Governing. And as Chriſt is ſaid to be *preſent* with thoſe Officers in the Church which he hath appointed, becauſe there is a ſpecial

Vertue

Vertue and *Efficacy* of Chriſt manifeſt in their Miniſtry: So in this great Ordinance of a Magiſtrate there is ſaid to be a ſpecial *Preſence* of God with him, 2 *Cron.* 19, 6. From the like manifeſtation of God in his Wiſdom, Power, Goodneſs, &c. for the welfare of Societies.

There is ſuch a Harmony and Neibourhood, between the outward and inward man; that what works upon the one, affects the other. When therefore the Miniſtery by Chriſts preſence, works upon a mans *ſoul*; the man is of a better behavior *outwardly*, and to Civil Relations: So alſo being brought into outward Subjection and Conformity (by Magiſtracy) the *Mind* and Spiritual part is much the more fitted for Chriſtian Communion. Moral Vertues, yea Civilities are much

preſſed upon Church Members every where in the Epiſtles, to be *kind, courteous, humble*, ſubmiſs, ſelf-denying. *Paul* ſpends
Rom. 16. a whole Chapter in Greetings and Salutes. Men and Women that are *moroſe, ſelviſh, ſtiff, Opiniative, ill bred*, ſuch for the moſt part are burdenſom in *all*, and as much in *theſe* Spiritual ſocieties as in any other.

2. For Protection, Church Power, neither *judgeth* or reſtraineth *them that are without*, is no fence nor ſecurity againſt the world. The only hedg about this Vineyard under God, is the Sword of the Civil Magiſtrate. Saints, and Churches, being called and ſeparated out of the world, are hated by the world, and ſuch a Seed of Enmity in them againſt the Members of Chriſt: As if there were no higher Power to reſtrain, being

the

the far greater number, they would utterly root us out.

The *Church* for weakneſs and helpleſneſs is reſembled by a *Nurſe Child*, or Infant which needs the care of thoſe who have more ſtrength. This Religious care and tenderneſs, is, or ought to be in the Magiſtrat, who is termed a *Nurſe*. The Prophet in this Promiſe hath an Eye to Goſpel ~~Terms~~, and Churches, called together amongſt the Gentils. In an age when there would be no Prophets or Apoſtles, or *Signs, or Wonders, or mighty Deeds* wrought; in the behalf of the Church, as was in the Jewiſh Oeconomie, and firſt age of Chriſtians. Its promiſed that Kings and Princes (either by a common or ſaving Change) ſhall become nurſing Fathers, nouriſhing and protecting Chriſts feeble Orphant the Church

Eſa. 9. 16.

tymes

2 Cor. 12. 12.

1 Sam. 10. 6. 9. 1 King 4. 29.

Church. And where the Magi-
ſtrat is ſuch, we ought to pray
that all may be ſuch; we have
the Liberty under them (not-
withſtanding the worlds enmi-
1 Kings 4. 25. ty) to lead a *quiet* and *peace-*
able life and this not only in
Honeſty, but in all *Godlineſs*.

3. The Judgments of God,
Sword of the Magiſtrat, and the
like external adminiſtrations are
helpful to the beſt of men, who
are liable while a body of ſin,
to as foul external acts of ſin, as
the worſt of men. The Spiritu-
al part in us, by thoſe means,
helps it ſelf much (in an hour of
Temptation eſpecially) againſt
the fleſh, over ballancing the
pleaſures of ſin, from that ſhame
and grief, ſin brings with it: So
that *Self love*, or a higher Princi-
ple is hereby ſtrengthned to a-
vert us. Servile fear (evil only
in defect) is good and uſeful to
the

the best of us, while in a mixed Condition, and not perfect in our love to God. *Job* was eminently *godly* and *righteous*, yet in both much furthered from the Consideration of wrath and Judgment. *If I have seen* saith he *any perish for want of Cloathing, if I have lift up my hand against the Fatherless, &c. v.* 23. *For* destruction *from God was a terror to me.* The Magistrates Ecclesiastical Power had the like effect to restrain *Impiety* in him, as *vers.* 26. *If I beheld the Sun, and my Heart hath been secretly entired, or my Mouth hath kissed my Hand; this were an iniquity to be punished by the Judg.* The Apostle *Paul* though *constrained by Love vers.* 14. Such was his affection to Christ, yet moved also to Duty from Consideration of *Judgment* and *Terror.* 2 *Cor.* 10. 11. *Job* 31. 19 21. with 23.

If it be thus with the best of the Saints, much more wil Churches

ches ſtand in need of ſuch an e
ternal help againſt Corruptions
There being not only a mixtur
of fleſh and ſpirit, in thoſe th
are members *indeed*; but a mi
ture with them of Hypocrite
and ſuch as are members one
in ſhew.

We find in the Churches pla
ted by the Apoſtles, a uſe n
1 Cor. 5. only of Spiritual Cenſures, b
alſo outward and bodily affli
ons, *ſickneſs*, *weakneſs*, &c. F
1 Cor. 11. Church miſcarriages, and its ſa
to be *for the Salvation of their ſou*
Cap. 5. *verſ.* 5. with *Cap.* 11. *ver.*
So that ſeverity of the Lord
Ananias and *Saphira*, was fo
Church fault, and its ſaid *verſ.*
great fear came upon all the Chur
It was an eminent Church b
Rom. 13. fore whom *Paul* ſhakes the M
giſtrates Sword, and tells the
if they do that which is evil, th
have cauſe to be afraid, *for*

bear

beareth not the Sword in vain.

Afflictions that are from a more immediate hand of God, either in an ordinary or extraordinary way, those also that the Lord chastiseth us with by the hand of the Magistrat, I difference not; each being to the same purpose, and as an external Discipline. For where there are no Magistrates, or negligent ones, God in a providential way, and more immediately, judgeth and afflicts evil doers: Even as where Church Discipline is wanting or neglected, God himself *excommunicates* as it were, and gives men up to terrors and anguish of Soul, for their evil deeds.

If we should draw in here instances from the Jewish Church, and how the Lord disciplined them by the Civil Magistrate, and afflicting the outward man, there can be nothing more evi-

dent

dent than this, an undoubted uſefulneſs of ſuch Diſpenſations, even to the Churches of Chriſt.

And although it ſhould not be a good reaſoning, to argue from what power the Princes of *Iſrael* exerciſed in reſpect of its *Externs* in particulars; many of them being *Prophets* as well as Princes: Yet the benefit and uſefulneſs of ſuch power may be the ſame unto *us* as unto *them*; both in reſpect of terror to *evil doers*, and praiſe to them that *do well*. Though an Argument from *Circumciſion* applied to Infants, will not weigh with ſome, becauſe they deny *Baptiſm* to be a Sacrament of the ſame Nature: Yet this cannot be denied by them, that if an *Infant* be capable of benefit by an Ordinance it underſtands not; Infants may as lawfully in that reſpect be *Baptiſed* while Infants, as they were then *Circumciſed*

2 Chron. 8. 14.

The Arguments brought from an Eccleſiaſtical power exerciſed by Magiſtrates in the Jewiſh Government, wil argue at leaſt that there is a *Capacity* in men *now* to receive benefit and good there by, (even in ſpiritual matters) as they did then: which is all that is aimed at.

4. As it is the Duty of each perſon, ſo of Churches *to walk wiſely towards them that are without*, Col. 2. that their *Order* may be looked upon, not only with *Rejoycing* by Neighbour Churches, but ſuch as may appear *amiable* and *comely* in the eyes of all men. There are many things common to all Societies, which Nature and Civil Cuſtom inſtructs us in: And are eſpecially to be heeded by Churches. For as the things *Moral* and *Lovely* in the eyes of men, being neglected by *Profeſſors*, the Goſpel will ſuffer: So much

much more if by *Churches*. The outward *beauty* of these Christian Assemblies, consists very much in what is requisite and *comely* in all humane Societies: As Unity, Love, Peace, brotherly Forbearence, &c. *Let all things* Phil. 2. saith the Apostle *be done without murmuring or disputing*. Paul charged the Church of *Corinth* with this, that there were de- 2 Cor. 12. 20. *bates, envyings, wrath, strifes, backbitings, whisperings, swellings, tumults*, and the like among them. There may be wrongs and oppressions in Churches as in other Assemblies. Innocent Persons impeached and censured as *Schismaticks, Seditious*, and Disturbers of the Peace; and no remedy but from the Civil Magistrate. *Paul* appeals from the Church to *Cæsar* a secular Prince, expecting from him though a Heathen more *Justice*

then from his brethren being parties, and in their own Cauſe. For where parties are Judges, the Sentence is paſſed, before the Cauſe is heard. As a Church may be *offended*: So they may, and oftentimes do *give Offence* as well as ſingle perſons. Its part of a Chriſtian Magiſtrates care, and as a *Magiſtrate*; to puniſh open Offenders, whether ſingle Perſons, or Aſſemblies. And the truth is if ſuch Aſſemblies that is, Churches; be not under the Magiſtrates Jurisdiction, they are under none: And will be at a loſs in reſpect of all thoſe advantages before mentioned. 1 Cor. 10. 32.

The *Uſefulneſs* of this Power being declared ſo fully, it will not be difficult to evince the NECESSITY of it that is, to the well being of Churches. For whatſoever thing is uſeful in Spiritual

Affaires is in the ſame degree ne-
ceſſary. *I argue thus,*

If the *Ruling* and *Coercive* Po-
wer in a Church, extends it ſelf
no further then its own mem-
bers; if one particular Church
cannot *ſuſpend*, *excommunicates*, or
exerciſe any the like Jurisdicti-
on over another; it will then fol-
low, whatſoever benefit or ad-
vantage Churches, or their mem-
bers, are ſuppoſed to have and
reap, by being under any *externa*
ruling Power here on earth: This
may, and ought to be expected
from the Magiſtrates, Eccleſiaſti-
cal Power, and no other. His
being the only Power that is of
ſuch an *Extenſion* and Compaſs
as to be over all Perſons and So-
cieties within his Dominion.

For the further *Explication* and
Confirming of what is aſſerted. I
ſhall lay down ſome Conſider-
tions, and then anſwer abjecti-
ons.

ons. Purpoſely enlarging upon this Argument, as tending much to a diſtinct underſtand of Eccleſiaſtical Jurisdiction, both as it is in *Church* and *Magiſtrate*.

The Conſiderations are theſe.

There is no Power or Authority either in Church or Magiſtrate that doth *directly* and *immediately* compel or enforce the *Soul*. Pains, *Penalties*, Reſtraints, Bodily puniſhments; Or what comes neerer, and is more ſpiritual, as Admonition, Suſpention, Excommunication, or the like. When perſons in any of theſe waies are judged and cenſured, by the Church or Magiſtrate, or both; It hath its fruit and effect in reſpect of morals, onely in a more remote and *Circular* way: As by working upon the judgment and affections, for there is no created power can reach the

1 Conſ.

Soul, to put upon it any *immediate* force or reſtraint; further than by applying ſuch means (diſcovered by the Scripture or Light of Reaſon) as are apt and ſutable, to ſet the Soul and Conſcience of a man, to work upon it ſelf.

We term it *Coercive*, in difference from what is only *directive* and *perſwaſive*: For according as the Lord hath appointed means to this or that end, accordingly he works, and ſo we ought to judg and ſpeak. Now beſides means appointed for *Inſtruction* and *Perſwaſion*, God alſo hath added *Diſcipline*; a means morally coercive, which hath pain and ſhame, its a puniſhment ἐπιμία *and for the deſtruction of the fleſh*, therefore a means morally *compulſive*, and more then meerly perſwaſive, the *Rod and Reproofe* is more then a ſingle reproof, it is a *Correction*

1 Cor. 5. 5.

1 Cor. 4. 21.

Prov. 29. 15.

ction which is *compulsive, a Servant will not be corrected with words.* To make *all* but *directive*, is to confound the *Keys*. The reverend Author should not judg or speak of an Ordinance according to the *Reception* of a carnal Heart, but according to what is *designed* by the Lord, as his ordinary Drift and Scope in such an Appointment. There is the word *read*, Gospel *preached*, and visible *Seales*; we are to judg a greater and more effectual Exhibition of Christ, in the one, than in the other, yet all alike to a carnal and unbeleiving Soul

Pro. 29. 19.

Mr. B. *in his first dispute. pag.* 6.

2. There are two great and Catholick *Bodies*, or Kingdoms *immediately*, and *invisibly* governed by the Lord, and his Christ: The WORLD and the CHURCH, made up each, of lesser Corporations, as *Cities*, *Families* particular *Churches*, &c. I say *invisibly*

2 *Conf.*

bly and *immediately*, for, as God is inviſible, ſo what he acts immediately, he acts inviſibly. As the Church is diſtinguiſhed into viſible and inviſible, ſo is the Power by which it is governed. *Inviſible* as in a ſecret and myſterious way, and immediately from the Lord. And thus are all Kingdomes, Nations, Tongues and Languages united as in one, even the great bulk of mankind: As alſo the Catholick Church that great Body of Saints, they are all thus governed by the Lord, and by the Lord alone, and not by man. *Viſible*, as where theſe great Bodies of men and Chriſtians, come to be cantoned, parcelled, and formed into Pollitical Bodies, governed by men, in an *external* and *viſible* way.

Whitg. trac. 3. c. 6. p. 181.

Theſe viſible Bodies are either greater and *containing*, as Empires, Kingdomes, Provinces, &c.

&c. Or thoſe that are leſs, and *contained* as Cities, Colledges, Pariſhes, Families, and the like, whether they be Civil or Eccleſiaſtical. Theſe leſſer, though they have the Compleatneſs of a *Body* or Corporation each in its kind, and have ſufficient Power to govern it *ſelf*: Yet not to govern one *another*. A Church hath not Authority to govern a Church: Nor a Family, or the cheif in it to govern a Neighbor family. The light in the leaſt *Star* is ſufficient for it ſelf, but not to rule the day or the night, as the *Sun* and *Moon*.

Theſe *leſſer* Bodies are therefore ſo compoſed in their ſeveral regiments; that many of them together, may lie in the boſom of a *greater* Corporation: and it will be for their better and more comfortable ſubſiſting and Government.

There is no *externall Coercive* or ruling Power that falls in, and fills up the ſpace betwixt thoſe great and Catholick Bodies the *World* and *the Church*: And thoſe leſſer and loweſt Regiments and Societies, but what is, or ought to be expected by or from the Civil Magiſtrate, who is to be acknowledged of his Subjects, whether Eccleſiaſtical or Civil *under* God to be *over* all.

3 *Conſ.* 3. Theſe leſſer Societies therefore ordinarily are found under a twofold Regiment or Diſcipline. The one intrinſecal and *peculiar*, which in Families is received from the light of *Nature*, and from the light of *Inſtitution* in Churches. The other more *General* and *Common*: And theſe leſſer bodies come under it by reaſon of their *Situation*, being within the Comfines of ſuch a Republick, they are under the

Juris-

Jurisdiction of the Princes thereof. *Each Prince* saith *Mason* hath power *in subditos suos ac proinde in Ecclesiam modo subditi sunt Ecclesiæ.* If situated where there is no formed Commonwealth, King, or Supream Power over them, they are as a Free State, each Family, City, and Church, immediately under God and Christ, and no other Power but what it hath in it self: which being a Power not derived from the Magistrate, but peculiar to a Family or Church, remains in them though no Magistrate. Such was the Family and Church state in the time of the *Patriarches* for two thousand years. De Episc. lib. 3. c. 5.

As it is a happiness to a people that live in Empires and Kingdomes, that these are parcels of that World which hath the righteous God to govern it who is *the King of kings and Lord of lords.* Cons. 4. 2 Kings So 19. 19.

So is it likewise to these lesser Bodies, a Family or a Church that they are situated under the wing of a Christian, and well governed Common-wealth. Where their Governors may be under some Government, and in wrongs and disorders, they may have the benefit of a Magistrates Authority, to appeal unto.

CHAP. V.

1. *The First Objection answered.* 2. *The Government of a particular Church, hath affinity with that of lesser Bodies, more then with the Government, of Empires and Kingdoms.*

Objection.

§. 1. IT may be objected that Churches are spiritual Corporations, and of a more peculiar Consideration, in respect of their Government; and therefore

fore not to be reckoned with Civil, at leaſt not with Families or ſuch mean and low Societies.

Anſwer.

Policy or Government in it ſelf, and all the ſorts of it, is from the Light of Nature, and Common reaſon. And this is generally ſuppoſed by all: That though the ſubject matter or perſons governed, be of different kinds; yet the Law and forms of Government may be the ſame where ſo appointed by Chriſt. And I rather inſiſt on ſuch a way of diſcourſe and reaſoning; as moſt ſutable to the ſubject I am upon, but eſpecially becauſe Subordination of Churches to Churches is argued from the Light of Nature, and in this very caſe, termed by our Brethren a *divine* Topick. Now if we may argue and guide our ſelves

ſelves in Church Affaires by the Light that ſhineth forth (from the Natural Wiſdom and Prudence of man) in the Government and managing of Kingdoms. There is as much a *jus divinum* in, and ground of reaſoning from; the light that appears in the prudent Conſtitution and Government of any other Civil Society.

I have mentioned in the Conſiderations, *Cities*, *Families*, and thoſe leſſer, and *contained* (as I term them) Societies or Corporations with particular Churches: Becauſe I humbly conceive the Policy and Government of each (though in other things different) to be more proportionable, and of greater ſimilitude in many things, then between particular Churches, and thoſe greater, and *containing* Bodies, Kingdoms, Empires, or the like.

Churche

Churches thus humbly constituted and governed, are most consistent with Civil Magistracy, of what form soever the Commonwealth shall be.

In Confirmation of this agreement or similitude I shall take for the most part, the Concessions of the learned of each perswasion. The Instances or Particulars are these.

§ 2.

1. Families though contained under the National Government where they are situated, yet are intrusted with a ruling and governing Power compleat and sufficient each in and for it self. So are particular Churches.

1 Instance

1. *They are intrusted with a Government each for it self.*

It is not *sufficient* (saith Mr. *Perkins*) *for a Church to have the preaching of the word, but Church Government.* Perk. on Rev. 2. 20.

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vernment. This Church (ſpeaking of *Thyatira*) *is blamed becauſe ſhe did not uſe the authority God had given her.* There is given to the Miniſters of each particular Congregation according to Epiſcopal Ordination eſtabliſhed by our Law, not onely a power to Preach &c. TAKE AVTHORITY TO PREACH THE WORD OF GOD, but they are made *Rectors*, Governors in thoſe particular Churches, and its ſaid to them WHOSE SINS THOU DOEST REMIT THEY ARE REMITTED AND WHOSE SINS THOU DOEST RETAIN THEY ARE RETAINED, by which words the Keys of Diſcipline are given to them, ſee *Bilſon* Perpet. Gover. pag. 212.

Reduc. of Epiſc p. 2. 'By Order of the Church of England (ſaith Biſhop *Uſher*) all 'Presbiters are charged to adminiſter the *Doctrine* and *Sacraments* 'and the *Diſcipline of Chriſt* as the 'Lord

'*Lord hath Commanded, and as this*
'*Realm hath received the ſame.* And
'that they might the better un-
'derſtand what the Lord hath
'Commanded therein the Ex-
'hortation of St. *Paul* to the Elders
'of the Church of *Epheſus* is ap-
'pointed to be read unto them
'at the time of their Ordination;
'*Take heed to your ſelves and to all the*
'*flock among whom the Holy Ghoſt*
'*hath made you Overſeers to* * *Rule*
'*the Congregation of God, which he*
'*hath purchaſed with his Blood.*

'Mr. *Hooker* tels us that for pre-
'ſervation of Chriſtianity there
'is not any thing more needful
'than that ſuch as are of the viſi-
'ble Church, have mutual fel-
'lowſhip and Society one with a-
'nother. In which Conſideration
'the Catholick Church is divi-
'ded into a number of diſtinct
'Societies every of which is ter-
'med a Church within it ſelf,
'not

ποιμαίνειν ſo taken in *Mat.* 2. 6. & *Rev.* 12. 5. and 19. 15.

Ho. Eccl. Pol. lib. 3. § 1

'not an Assembly but a Society,
'— a Church (as we are now to
'understand it) is a Society that
'is a number of men belonging
'to some Christian fellowship the
'place and limits whereof are
'certain, having Communion in
'the publick Exercise of such
'duties as are mentioned *Act.* 2.
'47. As those of the Mystical
'Church by their inward Grace
'differ from al others which are
'not of the body, and those that
'are of the visible body of the
'Church, have the notes of ex-
'ternal profession. Even so these
'several Societies or Churches
'have *Properties* belonging to
'them, as they are publick Chri-
'stian Societies. And of such
'properties, it may not be deni-
'ed that one of the very cheifest
'is *Ecclesiasticall Policy*, we use
'the name of Policy rather than
'Government, because Church

polic

'policy containeth both Govern-
'ment, and alſo whatſoever be-
'ſides belongeth to the ordering
'of the publick Affaires of the
Church of God. In which words
he aſſerts not only each particu-
lar Church, to have Govern-
ment in it ſelf, but this Govern-
ment as a property or propriety
by which its diſtinguiſhed from
the *Myſtical*, as alſo the *Catho-
lick* viſible Church. So that
he doth not (as ſome of late)
make the Catholick viſible
Church, y [illegible] firſt ſubject of
the Kyes; but each particular
Society, or Church ſuppoſing
that great Body of Chriſtians to
be only and immediately under
the Spiritual Government of
Chriſt Jeſus.

2. *Compleat and ſufficient.*

It is not to be underſtood of
ſuch a perfection as may not with
much advantage receive help,

both from the Power of the Magiſtrate, as I have ſhewed before, as alſo from the counſel and adviſe of other Churches. But I mean an *Eſſential* compleatneſs or ſufficiency, not being deficient in any material requiſite for Government. This that learned Author expreſſeth in thoſe laſt words: *We uſe the word Policy* ſaith he *rather then Government, becauſe Church policy containeth both Government, and alſo whatſoever beſides belongeth to the ordering of the Affairs of the Church of God.*

Againſt Whitg. lib. 3. pag. 147. *Every particular Church* ſaith Mr Cartwright *having an Elderſhip is a Catholick Church of Chriſt under whom Paſtors, Doctors, and Elders are the Miniſterial and immediate Governors.* In which words he intimateth a compleatneſs in each particular Church for Government and Priviledges as much as if the Catholick viſible

Church

Church were *Organical* and a go-
'vernning Church. The power
'of Jurisdiction (saith one) is as
'perfect & compleat in one single
'congregation, as in a provincial,
'as in a national, yea as in the Ca-
'tholick visible Body. *All things are yours &c.* saith *Paul* to a particular Church 2 *Cor.* 3. To this purpose Mr. *Parker sicut non pars &c. As a particular Church is not a maimed or half, but a whole and perfect Body, so it is possessed with the whole and intire Church Government, and not with a part only.*

Ruther. Due Right of Presb. pag. 307.

Park. Pol. lib. 3. *cap.* 13.

2 *Instance*

This *Economick* and Domestick Power, is *intrinsick* and *essential* to a Family, And is a Power derived immediately from the Lord, by the light of nature; and hath not its Original from any power on earth, Families being much more ancient then Commonwealths: So Government or Dis-

cipline, is intrinsick and inseparable from the very Essence of a Church, received immediately from Christ, and not the grant or constitution of any secular Prince or State, *Churches are endued* saith Dr. Jackson *with a Judicature immediately derived from Christ, and* independent *upon any earthy power, or any power whatsoever on Earth, whether Spiritual or Temporal.* *B. Bilson* expresseth it thus. *The things comprised in the Church, and by God himself commanded to the Church* (these things are specified in pag. 227. to be the *Word, Sacraments,* and *use of the Kyes, or Ecclesiastical power* and *cure of Souls*) *are subject to no mortal Creature Pope nor Prince*: And those of another perswasion are to the same purpose. The Church saith Mr. "*Rutherford* hath the keyes from "Christ equally *independent* upon any

Jac. of the Ch. cap. 8. §. 5.

Bilson of Suprem. pag. 171.

Peaceable plea. pag. 300.

"any mortal man in diſcipline as "in doctrine. A Power and Right to Diſcipline ſaith the ſame Author, is a property eſſential to a "Church, and is not removed from "it till God remove the candle-"ſtick, and the Church ceaſe to be a viſible Church. *Poteſtas ipſa de jure &c. Power* ſaith Dr. Ames *is ſo much the Right of a Church as it cannot be ſeparated, becauſe neceſſary and immediately floweth even from the* eſſence of each true church. There are Authorities enough to be produced from the Writings of the Learned for the confirmation of this particular. All Graunt there is a Government *jure divino* (I ſpeak not of this or that form) and by the appointment of Jeſus Chriſt. Its denied by none, but *Eraſtus* and thoſe that follow him, Who may as well deny *Praying*, *Preaching*, or *Sacraments jure divino*. It is as

Due right of Presb. cap. 9. §. 9.

Caſ. con. lib. 4. cap. 24. pag. 4.

expreſsly ordained, that Diſcipline be exerciſed in the *Name* of Chriſt, as to preach, pray, or baptiſe, in his Name. There are certainly *things of God*, that are not the *things of Cæſar*. And if thoſe things upon which Chriſt hath put his Name be not peculiarly his, I know not where we ſhall find the Joynt. As we ſay there were Families, ſo particular *Churches* before any Commonwealths were. And Chriſtian churches and diſcipline exerciſed many years before any Emperors or Kings were chriſtian. And therefore, as *Families*, have many priviledges ſo peculiar, and by the Law of Nature, ſo much theirs, as are never touched or infringed by the Supream power of any Nation. So likewiſe it is with *Churches*, they have very many priviledges ſo evidently theirs, from the Law of Chriſt and their Spiritual

conſti-

conſtitution: as chriſtian Magiſtrates will do their utmoſt to preſerve, and cheriſh, and not in the leaſt infringe. Its a part of magna charta, *Conceſſimus Deo & hac preſenti Charta confirmavimus pro nobis & Hæredibus noſtris in perpetuum, quod Eccleſia Anglicana libera ſit, & habeat omnia jura ſua integra & libertates ſuas illæſas*, And its mentioned in the Oath our Kings take at their Coronation that *He ſhall keep and mantain the lawful Rights and Liberties of the Holy Church.* 3. *H.* 3. cap. 1.

A third *Particular* or Inſtance of what we have ſuppoſed in the former *Conſiderations* is this. Theſe leſſer Corporations *Cities*, *Families*, and the like, have not Authority or Jurisdiction one over another. It is the ſame with churches: *each* having the *Fountain* and Original of their own power (as before is ſhewed) immediate- 3. *Inſt.*

ly from Christ in themselves, and not elsewhere, or one from another: cannot by any art or devise of man be made to rise up above *it self*: As it doth if one church exerciseth a Power or Jurisdiction over another. There is no Invention of man that by contriving Pipes, or any other Artifice, can make *water* freely, and naturally run higher then the *Spring-head*. Though that Jurisdiction which hath its rise in a particular church be *pumped* up into a *Classis* or *Synod*, its but the same it was before. *Synods* saith *Parker* out of *Chamier*, *Nullam habeant authoritatem &c. They have no Authority but what is derived from particular Churches*, So *Voetius*.

Polit. lib. 3. cap. 13. §. 9.

Disp. de Pol. Eccle. pap. 5.

Eph. 6. 1. There seems to be a great *Emphasis* in those particles of *propriety*. *Children Obey* your *parents* γονεῦσιν υἱῶν. So to *Servants* and speaking of the Relation of *Husbands*

Husbands and *Wives*; by which is ſet forth our obedience to Chriſt and his Officers, its more appropriate *Epheſ.*5.24. *As the Church is ſubject to Chriſt, ſo let the wives be to* their own *Husbands, it is* τοῖς ἰδίοις ἀνδράσιν *propriis viris*, not onely *theirs* but *their own* Husbands. It is ſaid 1 *Tim.* 3.4. *one that ruleth well his* one *houſe* τῷ ἰδίῳ οἴκῳ So of Miniſters, *know them that labour among* you ἐν ὑμῖν, and are over you in the Lord 1 *Theſ.* 5.12. and in *Heb.* 13.17. it is ἡγουμένοις ὑμῶν *Duces veſtri*, your Captains. Officers in *Churches* being as exactly limited, as in an Army. There is no Power in a ſuperior to command where no Obligation upon the inferior to obey. And therefore the Lord ſeems by theſe expreſſions to limit, both Church and Family power, within their own Walls.

This is the Judgment of the learned

ned of each perſwaſion. B. D

Fraterna. Com. cap. 9. p. 111.

"venant. *Nota eſt Juriſcul-*
"*rum regula, &c.* It is a know
"Rule of Lawyers, a Senten
"given by him that is not
"Judg is void in Law. But pa
"ticular Churches are not t
"Judges of private Perſons th
"are of other Churches, ho
"much leſs then over the *Chu*
"*ches* themſelves; ſuch ſentenc
"were to be ſlighted and con
"temned, as of a Judg that pre
"ſumeth to make Laws out of th
"bounds of his own Juriſdiction

Sententia a non judice ſuo lata nulla eſt ipſo jure.

De judice cont. cap. 16. pa. 90.

Nec poteſt nec debet (ſaith th
ſame Author elſewhere) *particu-*
laris una Eccleſia judiciaria auth-
ritate aliam ſibi non ſubjectam
Catholica abſcindere quælibet eni-
Eccleſia filios ſuos ad Conſenſione-
in Doctrina publice ſtabilita cenſu-
ris adigit. Sed fratres Eccleſia-
rum externarum monet pro offici
charitatis non punit pro imperi

Of the ch. lib. 5. cap. 27.

poteſtatis

potestatis. Dr. *Field* as a common Resolution of Divines tells us that *if a Bishop ventures to do any act of Jurisdiction out of his own Dioceß* (that is his particular Church so *Cap.* 30) *as to excommunicate or absolve, or the like. All such acts are utterly void and of no force.* The same thing saith Dr. *Crakanthorp Cont. Spal. cap.* 28. *pag.* 177. "Every Congregation "saith (our Brethren) hath equal "power one as much as an other "according to the trite and "known *axiom: par in parem non "habet Imperium,* an equal hath "no power over an equal. *Ecclesiæ institutæ parochiales, integræ sunt, inter se collaterales & potestate Ecclesiastica æquales* saith *Voetius,* which you may English out of the English Puritanism thus. "Particular Churches are in all mat- "ters equal, and are intrusted by "Christ with the same Ecclesiastical

Jus divinum Regim. page 230.

Disp, de Pol. Eccle. pag. 3.

Cap. 2. §. 2.

"ſtical Power and Authority. *Jewel*, *Reinolds*, *Whitaker*, and moſt of our Divines, againſt the Papiſts, are large in their Diſputes for a parity of Churches, and Mr. *Parker* hath written a whole Chapter *de paritate Eccleſiarum*. Some make a particular Church to be of larger Extenſion as a Dioceſs a province &c. but that altereth not the State of the Queſtion.

De Pol. lib. 3. cap. 21.

A Digreſſion:

1. *Of Independentiſm, name and thing.* 2. *Its conſiſtancie with the Kings Supremacy.*

THis State of a particular Church, namely their equality in reſpect of Jurisdiction or coercive Power one over another, was wont to be expreſſed by INDEPENDENCY, which though now, it be a term of Reproach, yet formerly made uſe of

of by good Authors; as very fit and ſignificant, to ſet forth this Priviledge of each particular Church compleat and intire: namely their not Dependency or Subjection, to the Jurisdiction of an other Church, as their Head and Superior.

Dr. *Jackſon* in his Learned Treatiſe of the *Church* uſeth this term frequently Unity "(ſaith he in one place) of Diſ- "cipline, or of INDEPENDENT "Judicature is eſſential and ne- "ceſſary to the Church, as viſi- "ble. Hence there be as many "diſtinct viſible Churches, as "there be INDEPENDENT Judi- "catures Eccleſiaſtick. Dr. *Sibbs*, thus "Particular viſible Churches "are now Gods Tabernacle, The "Church of the Jews was a Na- "tional Church, but now God "hath erected particular Taber- "nacles, every particular Church "under

cap. 15. *pag.* 119.

Goſp. anointings, pag. 94.

" under one Pastor is the Church
" of God, a several church INDE-
" PENDENT. The church of
" *England* (saith the same Au-
" thor) is called a particular
" church from other Nations, be-
" cause it is under a Government
" civil which is not dependent on
" any other Forraign Prince. *Each Church* saith *Voetius as it hath its proper form of an Ecclesiastical Body or Society, so its endued with its proper Government and Jurisdiction: which it exerciseth* DEPENDENTLY *upon Christ, his Word and Spirit, but* INDEPENDENTLY *in respect of al other Churches.* Mr. *Bates* One company of men as-
" sembled, hath no authority to
" impose things upon many chur-
" ches. 1 None now have Apo-
" stolick Authority. 2 Each con-
" gregation is a body INDEPEN-
" DENT of any Ecclesiastical Po-

Desp. cau. Pap. lib. 3. §. 3. c. 4

Treatise printed Ano. 1613.

'wer. "There is no Ordinance "of God for this (ſaith Mr. "*Banes*) that churches within a "circuit ſhould be tyed to a cer- "tain Head-church for Govern- "ment, *pag.* 8. and *pag.* 13. We "affirm that no ſuch Head-church "was ordained either vertually, or "actualy but that al Churches were "ſingle Congregations, equal, "INDEPENDENT each of other "in regard of Subjection. *Every true Church* (ſaith one) *now is an* INDEPENDENT *Congregation*, & in another place, *The Congregational Body Politick ſpiritually* INDEPENDENT, *is Chriſts divine Ordinance in the Goſpel.* "One "Ordinary Congregation of "Chriſtians is a Spiritual Body "Politick INDEPENDENT. That "is it hath the Right and Power "of Spiritual Adminiſtration and "Government, in it ſelf and over "it ſelf, by the common and free 'conſent

A Col. of ſundry matters Ano. 1661.

Confeſ. of Faith pub. Ano. 1616.

"consent of the people, INDE-
"PENDENTLY and immediately
"under Christ.

This was the Opinion generally of N. Conformists, as is observed by one of themselves in the Name of the rest, as also by *Downam*. "They (that is the "N. C.) say, that every Parish "by Right hath sufficient autho-"rity within it self, immediately "derived from Christ, for the "Government of it self in all cau-"ses Ecclesiastical. To the Pa-"rishional Presbitery consisting of "their Parish Bishop and his El-"ders, They do ascribe that suf-"ficient, immediate, and inde-"pendent Authority for Eccles-"astical Government for every "proper visible church.

Sermon at Lamb. pag. 5.

That *Independency* of Churches was asserted (by those Learned men, of a former age) in Relation only, to a Superior Church-

power

power properly *ſpiritual*, and ſuch as is claimed *jure divino*; and not in Relation to that Eccleſiaſtical Power which is in, or exerciſed from, the Civil Magiſtrate. Some of them have thus deſcribed a particular Church; its *a Body politick ſpiritually independent*, or *independent* in Relation to a *ſpiritual* Superiority: which is expreſſed fully, by him that wrot *Church Government, with the Peoples conſent*, pag. 115. "Though "we affirm the Church Govern- "ment is *independent* and imme- "diately derived from Chriſt; "yet we affirm alſo that the civil "Magiſtrate is even therein (that "is in Eccleſiaſtical Matters) ſu- "pream Governor civilly. And "though nothing may be impo- "ſed on the Chriſtian Churches "againſt their will; by any *ſpiri- "tual* Authority (for ſo only we "intend) yet we affirm withal

" that the civil Magiſtrate may
" impoſe on them ſpiritual Mat-
" ters, by civil Power, yea whe-
" ther they like or diſlike, if it be
" good in his Eyes, that is if he
judg it within his commiſſion from
God.

And ſuch an *Independency* hath
been pleaded for alſo, and argued
by them to be much more *conſiſtent* with his Majeſties Supremacy, then a DEPENDENCY or *Subordination* of Churches, to any ſpiritual Power. And it was their profeſſed Judgments, That no external Power ought to be exerciſed in ſpiritual Matters, any where (within that ſpace betwixt a particular Congregation inſtituted by Chriſt, and the Catholick viſible Church) by any Perſon but the civil Magiſtrate, or by his Appointment.

Take their own Words. *That that make claim* jure divino *of*

ver and Jurisdiction to meddle with other Churches, then that one Congregation of which they are Members, do usurp upon the Supremacy of the civil Magistrate, who alone hath, and ought to have, a power of Jurisdiction over the several Congregations in his Dominions, &c. A protestation of the Kings Supremacy made and published in *Anno* 1605. §. 27. and in §. 28. "The King himself is to be "General Overseer of all the "Churches within his Dominions, and ought to imploye under him, fit persons to oversee "the churches in their several divisions, *visiting* them, and punishing whatsoever is amiss in any of them.

Mr. *Bradshew* in the *unreasonableness of separation* against *Johnson*, writes thus. *Its their principal Honor* (speaking of Arch. Bs, and Bps.) *to be Commissioners*

and Visitors in Causes Ecclesiastical under the King, over the Pastors and Churches of Provinces and Dioceſſes, In his Anſwer to Johnſons *firſt Reaſon*: and in his Anſwer to his *ſecond*. He queſtions him thus. 1 "Whether the Supream Magiſtrate hath not Power to overſee and govern all the ſeveral Churches within his Dominion, yea whether he be not bound ſo to do. 2. Whether for his further help and aſſiſtance herein, he may not make choice of grave, learned, and reverend men, to aſſiſt him in the ſame Government. 3 Whether by vertue of his Power theſe perſons thus called, to aſſiſt the ſupream Magiſtrate, may not lawfully try the Gifts of Miniſters within his Dominions, convent them before them, examine how they have behaved themſelves in their places, and puniſh the blame worthy.

In

In a Petition also to King *James* for *Tolleration*, "That your high-"nes would afford us, and assign "to us some persons qualified "with Wisdom, Learning, and "Vertue, to be under your High-"nes our Overseers, for our more "peaceable orderly and dutyful "carriage of our selves, both in "our worshipping God, and in all "other our Affairs, at your plea-"sure. To whom with all Readi-"nes and Subjection we are wil-"ling to be accomptable and an-"swerable, alwaies.

The opinions of learned men about Church Matters (Government especially) were collected together, in a Treatise which was put into Latin by Dr. *Ames*, and in an Epistle of his prefixed, avouched by him (who was a man much studied in those Controversies) to be the Judgment of *Cartwright*, *Fenner*, *Fulk*, *Whitaker*,

Rainolds, Perkins, Brightman, and thoſe that were more Ancient: As *Wichliff, Tyndal, Rogers, Bradford, Gilby, Fox, Moore, Dearing, Noel, Greenham. Dogmata iſta &c.* Theſe tenents (ſaith he) were either their Principles or ſo conjunct with them as not to be denied, theirs. *Chriſt Jeſus* (ſaith the Author) *hath not ſubjected any Church or Congregation of his to any other Superior Eccleſiaſtical Jurisdiction, then unto that which is within it ſelf —the civil Magiſtrate alone upon Earth, hath power to puniſh a whole Church or Congregation,* Cap. 2. §. 3. and more fully in §. 12. "They hold and beleive (ſaith "he) that the EQUALITY "in Eccleſiaſtical Jurisdiction and Authority, of Churches and Church Miniſters, is no more derogatory and repugnant to the State and Glory of a Mo-

"a Monarch, then the parity or "equality of *School-masters* of "several Schools, or *Masters* of "several *Families*. Yea, they "hold the clean contrary, that *In-* "*equality* of churches and church "Officers in Eccleſiaſtical Juris- "diction and Authority, was that "principally that advanced An- "tichriſt unto his Throne, and "brought the Kings and Princes "of the Earth unto ſuch vaſſa- "lage under him. And that the "civil Authority, and Glory of "Secular Princes and States, hath "ever decayed and withered, the "more that Eccleſiaſtical Officers "of the Church, have been ad- "vanced and ſet up in Authori- "ty beyond the limits and con- "fines, that Chriſt in his Word "hath preſcribed unto them. And in Cap. 6. §. 6. They are ſaid to *deny a principal part of the Kings Supremacy*, that hold any

Jurisdiction or Offices over churches *jure divino, and not by the will and pleasure of the King and civil States of the Realm.*

And from what is said, cap. 5. §. 12. It is evident, that this way is as little prejudicial to the Subjects Liberty: For its expressly there said, *If any Member of a Congregation being under a crime, shall of himself forsake Communion with the Church, that then the Ecclesiastical Officers, have no authority, or jurisdiction over him but only the civil Magistrate, Parents, or Masters &c.* So that as persons are free (otherwise then from conscience of duty) to *joyn* with these Assemblies, so also to *leave* them: remaining alwaies under the Magistrates Ecclesiastical power and care.

I have made this Digression, not only for the matters sake, which

which is very ſutable to our preſent Subject: But alſo to vindicate the *congregational* way. 1. That it is not ſuch a *Novelty* as is pretended. This of the *equality* of Churches, and thence an *Independency* (from which we are reproachfully ſurnamed) ſeems to be the worſt of our Tenents: Yet it appears to be no other, but what the reverend and learned of a former age have aſſerted. Nor do I know any other of their opinions or practices, but may as eaſily be remonſtrated, to be the aſſertions of thoſe holy men. Nor ſecondly, inconſiſtent with civil Magiſtracy, or with their Power in Eccleſiaſtical Affairs. And as a further Teſtimony hereof, they take the Oaths both of *Allegeance* and *Supremacy*. Profeſſedly aſſent alſo to "All the Articles of Re-"ligion which concern onely the "confeſſion of the true Chriſtian

Faith

"Faith, & the Doctrine of the Sa-
"craments, compriſed in a Book
"entituled *Articles whereupon it*
"*was agreed by the Arch-Biſhops*
"*and Biſhops of both Provinces,*
"*and the whole Clergy in the Con-*
"*vocation Anno* 1562. *for the a-*
"*voiding of diverſity of Opinions,*
"*and for the eſtabliſhing of conſent*
"*touching true Religion,* as is re-
quired by Stat. 13. *Eliz.* cap. 12.
And do humbly hope, living
peaceably under his Majeſties Go-
vernment, they ſhall obtain their
ſhare in that Indulgence his Ma-
jeſty graciouſly purpoſed to ſhew
to ſuch perſons, as through want
of full ſatisfaction, differ in ſmal-
ler matters from the preſent Eſta-
bliſhment.

4. *Inſtance* A fourth Particular, which ariſeth from the former, is this. Families being not ſubordinate one to another, They cannot aſſociate or unite into any large

large or great Body: and therefore do, and may more conveniently retain their Government (though it be *peculiar* and *distinct*) in any Common-wealth, of what form soever, without prejudice to the Peace and Welfare of it. So is it with Churches, their State and Government (which is appointed by Christ) is such, as is consistent with, and no prejudice unto any civil Powers under whom they are situated. And that upon this account principally: Having no *Dependencie* in Respect of Power or Jurisdiction one on another, they cannot in their own Sphere enlarge themselves by Subordinations; to a political Body of any such Extension and Greatness: as may render their Obedience or Compliance more doubtful or uncertain. It is matter of Jealousie with Princes and States, when there is in their Dominions a Body

dy, large and extenſive, firmly joyned and compact in it ſelf, of an intereſt peculiar and not holding of them. Particular Churches are of a ſmall compaſs, ſomtimes comprehended in *One*, ordinarily but of a few Families. So that in this reſpect, though their Intereſt and Govrenment be peculiar, they may retain it, and for ſubſtance the ſame (as Families do) throughout the world. Which will further appear in the following Conſiderations.

1. It is granted on all hands, That the Lord hath limited his Church to a Government which is perpetual, and for ſubſtance to be the ſame in all places. As alſo that the Nations, form their Civil Government variouſly, and as they judg moſt prudent.

2. Since the *wall of partition* by Chriſts Death was broken down: The Goſpel and Chriſtian Chur-

Churches were by Chriſts Commiſſion to be planted in all parts of the world. It ſtands therefore with common reaſon, that the Church Government Chriſt hath left us, is of that Nature: as without any ſubſtantial alteration may comply with, and not be prejudicial to, any civil Government.

3. If particular Churches by Union become one body, for extention as large as the civill State, There will hardly be a due and peaceable accord, and each enjoy its priviledg and Liberties without prejudice to the other; unleſs theſe two great bodies be moulded and formed one with reſpect unto the other. The policy therfore of the *Nation* and the National *Church* of the Jewes, were both reſpectively formed by the Lord himſelf.

4. Hence this opinion of *Statesmen*, that there is no form of Church

Church Government left by Christ, or his Apostles: but to be moulded by the wisdom and discretion of Christian Magistrates, as *may best sute and joynt in* with the Civill Government. And of *others* the contrary, "The Commonwealth (saith one) "must be made to agree with the "Church, and the Government "thereof with her Government; "for as the *House* is before the "*Hangings*, therefore the hang-"ings which came after, must be "framed to the House which was "before: so the Church being be-"fore there was any *Common-*"*wealth* and the Commonwealth "coming after must be fashioned "and made sutable to the Chuch. We need none of these extreams: The middle way is this: Let not the Churches claim to be National or Provincial *Jure divino*, but leave such disposements to the ci-

vill

civil Magiſtrate: and be numbered with thoſe leſſer Societies, Families, Cities, Colledges, &c. For theſe do retain in themſelves much the ſame form of Government and Freedom therein through out the World.

5. It is not ſo much a different Form of Government: For in each Republick there are contained leſſer Societies of all Forms; but their *Extention* and *Potencie* in numerouſneſs of Perſons by which they are made up. Nor from this Principallity, but the nature of their *Union* and *Incorporation* begets the Jealouſies. If particular churches become *Dioſen*, *Provincial*, or *National* by Union from the Law, or Direction of the civil Magiſtrate, for the better exerciſe of that Eccleſiaſtical Jurisdiction, the Lord hath intruſted him with, and *conveniency* of ſuch perſons as he ſhall appoint to inſpect the churches

ches: in such a case the Greatness of *Churches* cannot be disturbent to the civil Government, being so directly under its conizence. *The Common-wealth* (saith one) *containeth all the people in a whole Nation or more, united in one Soveraign, but particular Churches (distinct from the universal united in Christ) have no general Ecclesiastical Officers, in whom a Nation must* UNITE *as one Church.* How then become they to be termed a National church? Ans. *as several Corporations in one Kingdom, or as so many Schools that have a peculiar form of Government, but such only as is under* (& united in) *the Magistrates Government in its kind.* If this should be claimed as the Law or Priviledg of each Family, that the Governors, be it the Father, or Husband, or Master, are thereby invested by Nature with the same Power, in re-

Holy Commonwealth R. B. *p.* 2. 220.

spect

ſpect to all Families in a Nation; and by ſeveral Correſpondencies & Subordinations raiſe, and *Unite* themſelves at laſt into a general Aſſembly or Repreſentative. And by Vertue of that *Economical* Authority give Laws to the whole Nation, though not as their *Subjects*; yet to the ſame perſons under another notion, that is, as *Wives*, *Children*, *Servants*. There is no well Governed State could entertain ſuch a ſpreading intreſt as this, without great doubtfulneſs, leaſt their Authority and Supremacy, ſhould hereby be much Ecclipſed.

6. But a particular Church conſiſting only of a few perſons in it ſelf, and independent on others; is neceſſitated to depend under God upon the Magiſtrate for protection. Which if they ſhould not obtain, but be oppoſed and perſecuted: yet have no ability

to reſiſt, being as a Family ſingle and alone, not able to defend it ſelf or moleſt others. Nor if they were able is it lawful for a Church to compel by the *ſword*; more than the Magiſtrate may by *the Keyes* or what is peculiar to the ſacred Function. *Uzza* erred in the latter and *Peter* in the former. The primitive rule and practice was this, being *perſecuted in one City* to *fly into another*, and *pray* that *their flight may not be in the Winter*. No nor do we judg that theſe ſpiritual weapons (the Keyes or Cenſures) may lawfully by a Church or any Eccleſiaſtical Aſſembly be threatned, or drawn forth againſt a whole Nation, and the chief Governors thereof, to urge or compel, eſpecially in State concernment (as the *Pope* and ſome *others* have done) though it be truly *in ordine ad ſpiritualia*.

2 Cron. 26. *Math.* 16. 19. with 24. 52. *Math.* 10. 23. 24. 20.

The

The fift *Inſtance* or *particular* is this. A Family of all Corporations or Societies, is the loweſt ſpecies or kind, it's *Conſociatio ſimplex & prima*, and hath the leaſt of pomp or ſtate in the Government of it. Cottages are built low, Pallaces with many ſtories one above another. Thoſe great and extenſive Bodies, *Empires* and *Kingdoms*, repreſent in their *Government* more adequatly the *myſtical* Church in reſpect to Jeſus Chriſt who is their *King* and *Law-giver*, whoſe Kingdom is with *Power and Glory*, a Power that is truly Imperial and Princely, having Officers under him (his Kingdom reaching to the utmoſt ends of the Earth) who *in his name* command reward, and puniiſh. But *Particular* Churches as Governed by his Miniſters, have their proportion rather with the meaneſt and loweſt Societies of men. The 5. *Inſtance.*

The Scripture ſeems to point at more than a ſimilitude and likeneſs betwixt a Family and Church, in the managing of affairs; I mean in the general, and what is not determined by expreſs Inſtitution. *Paul* ſpeaking to *Timothy* about Church affairs, mentioneth their expertneſs in Governing a *Family*, as a good preparative or qualification for *Church* adminiſtrations. And this is not only *Negatively*, *if a man know not how to rule his own houſe, how ſhall he take care over the Church of God.* But affirmatively, *Theſe things I writ that thou maiſt know how thou oughteſt to behave thy ſelf in the houſe of God which is the Church of the living God.* The ſence is full in thoſe words, *the Church of the living God*, yet it is added *the houſe of God* purpoſed as it were to carry the Eye back to what was written *ver.* 5. which ſheweth

1 Tim. 3. 5.

vers. 15.

ſheweth that there is a great *affinity* betwixt our Houſes and the Houſhold of God. *In a Fathers Coverniug his Children* (ſaith one) *there is a lively reſemblance of ſuch Duties of Government which he is to diſpence towards the Church. There is nothing enjoyned, the Miniſter as a Father of Children, which belongeth not to him as he is a ſpiritual Father of the Children of God.*

On the other hand, it may be obſerved, this queſtion being amongſt the Apoſtles, who or *which of us ſhal be the greateſt in the Kingdom of Heaven?* upon ſuppoſition (the Church being termed a *Kingdom*) there would be places of State, and higher dignity in it, as are in the Kingdoms of the world. Chriſt Anſwers: There ſhall be no ſuch thing, no primacie in one Apoſtle over another, no, *the greateſt of you ſhall be the leaſt*, and the *firſt*

Mat. 18. 1.

ſhal be the laſt. Though a Juriſdiction and power truly *Imperial*, abſolute, and equal to any of the *Kings of the Gentiles* belongs to me, and I exerciſe it in thoſe ſpiritual adminiſtrations, yet no ſuch dignity may be aſſumed by you. ὑμεῖς δὲ οὕτως. *Luke* 22. 25.

1. When the Scripture ſpeaks of a particular Church under the notion of a *Family* or Houſhould: Government or *Ruling* is mentioned as that wherein the ſimilitude or proportion is moſt Perſpicuous and cleer, as hath been ſhewed: But ſpeaking here of a Church under this expreſſion a *Kingdom*, how purpoſely are we cautioned againſt an imitation in Rule and Authority?

2. We may further obſerve that Ambition after greatneſs in thoſe that manage theſe *great things*, is an infirmity almoſt unavoidable. For if 1. Such perſons, the Holieſt men on the earth, they

Hſ. 8. 12.
1 *Pet.* I. 4.

they who had *forſaken all to follow* Chriſt. 2. And theſe ſo often relapſe into this folly after they had been reduced from it by Chriſt. 3. And at ſuch times, immediately after Chriſt had minded them of his Death, and that *one* of them ſhould *betray him*, when alſo they had newly been at the Communion with him: What great cauſe is there that every man be very jealous of his own heart?

Math. 20. 19. 20. *Luke* 22. 21, 24. & 19. with 24.

3. It is not unevident alſo from the Diſciples often Diſputes about their greatneſs; that moſt of our controverſies and contentions about Church Government, if traced home, wil be found to ariſe from hence, namely: The having our Eye fixed ſo much upon the *lofty* ſtate of a *Kingdom* as our pattern in ſuch managements, rather than that familiar and *humble* way of a *Family*. For indeed

this was the only breach and conteſt that we read of, amongſt thoſe holy Men the Diſciples of Chriſt.

4. And where ſuch differences are: a Reconcilement wil be found more difficult, becauſe where the mind is bent on wordly greatneſs, we are very dul and ſlow in underſtanding whatſoever ſhal be ſpoken (though from Chriſt himſelf) that ſeems to croſs thoſe thoughts; as appears alſo in that ſtory, *Mark* 9. 32.

A Parent or Maſter would not eaſily have been tempted into ſuch an Error, or make this queſtion, who or which of us ſhal be the greateſt? that is have a paternal power over other Parents and their Families &c. And had the Diſciples looked upon *Miniſterial* power under ſo low and humble a notion as what is *Economical*: *James* and *John* would never

never have thought it Congruous, that they ſhould have an Apoſtolical power over the other Apoſtles. *Hoc Papatum fefellit &c.* (ſaith *Carew*) *This deceived the Papacie, which governs throughout after the form of wordly* *Empires. *The Pope he is as the Emperor himſelf, the Cardinals as his Deligats or Repreſentative, the Arch-Biſhops as the Governors of Provinces &c. hence* John *calls the Church of Rome, the Image of the Beaſt the Vizard of the Roman Empire.*

*Plurimorum conſenſu Eccleſiaſt. a republ. formam illam magna ex parte mutata eſt. Filoſof.

For further confirmation of this fift particular or Inſtance: let it be conſidered, how ſeldom and ſparingly a particular Church in the N.T. is termed a *Kingdom* Although 1. Its Government be derived as a Branch of Chriſts *Kingly* Office. 2. Church Ordinances are the moſt effectual means by which he exerciſeth his ſpiritual

ſpiritual *Soveraignty* in each mans ſoul. 3. His *Myſtical Kingdom* on earth, thus by parcels, comes to be wholly under an external ſpiritual regiment, and 4. His Church when National was managed in the *Glory* and *State* of a Kingdom. Yet notwithſtanding all theſe leading occaſions, how ſparingly, and not without ſpecial Caution is a particular Church thus termed. Whereas not only the *Society* but the Government, Officers, Ordinances, Cenſures, and other Church matters are univerſally and frequently delivered unto us by Chriſt and his Apoſtles, in terms apt to mind us of this low and humble policy. To give ſome Inſtances hereof.

1. A particular Church or the Society it ſelf, is repreſented unto us as the *Houſe of the living God* 1 Tim. 3. *His Houſhold* Math. 24. 45. over which he hath

hath ſet *Rulers* (therefore to be underſtood of a particular Church, for the univerſal is immediately under the rule of Chriſt) A *Brotherhood* 1 Pet. 2. 17. and the Members of it *Brethren* and *Siſters* (as the Paſtors *Fathers*) 2 *Cor.* 7. 15. *Jam.* 2. 15. 1 *Tim.* 5. 2. and it is given as a title of Dignity 1 *Cor.* 5. 11. *Epheſ.* 4. 21. *Rom.* 16. 1, 23. 1 *Pet.* 5. 12. yea to the *Poor* as wel as to the *Rich.* and to thoſe of *low* as *high* degree. *Jam.* 1. 9.

2. Church Odinances as 1. By *teaching* and admoniſhing the *Word* is ſaid to *dwel amongſt them* in all Wiſdom ἐνοικείτω ἐν ὑμῖν compared with *Math.* 24. 45. The *faithful and wiſe Ruler* of Chriſts Houſhold *is to give them meat in due ſeaſon,* It is a deſcription of a Paſtors duty who is hereby admoniſhed to *feed with knowledg* and to be much in it, that the Fami- (Col. 3. 16.

ly

ly may be *richly* and plentifully and not ſparingly, niggardly fed. The *Word dwelling* is the Houſhold Bread or Food which by the *Stewards* or Miniſters is to be *rightly divided* 2 *Tim.* 2. 15. and reſpectively diſpenſed as *milk to the Babes* in the Family and *ſtrong meat* to others, *Heb.* 5. 13, 14. 1 *Cor.* 3. 2. 2, The *Sacrament* an Ordinance peculiar to this Society, it's repreſented unto us as the *Supper of the Lord*, a ſpiritnal repaſt of *Bread* and *Wine*. It came in the place of a Family Ordinance the *Paſſover*, and ſo termed: Churches being now become Gods Family, and the Lords *Supper* their *Feaſt*, 1 *Cor.* 5. 8. but moſt to our purpoſe, are ſuch expreſſions as ſet forth the Governours and Diſcipline appointed to a particular Church.

3. The *officers* are as the *Stewards*

wards and Servants in this Houſhold, and ſo termed not in relation to *Chriſt* only, who is the *Lord*, but to the *Church* his Family. Chriſt abates of the over-high expectations of his Diſciples by telling them that thoſe who are *Chiefeſt* amongſt them ought to be even as *Servants* in the Houſe, that attend at the Table, *Luke* 22. 26, 27. There were thoſe in *Corinth* raiſed much above their level (whom *Paul* perſonates in himſelf and *Apollo* and *Cephas*) even equal with Chriſt, as having the Fountain of their excellency in themſelves and communicated unto others of their own (as great Princes and *Benefactors*) like Chriſt, this being Lordly and Princely, *Paul* tels them they *raigned like Kings*. To reduce from this exorbitant heigth to a juſt ballance, *Paul* ſets down the rate they may value themſelves

1 *Cor.* 4. 5. *Rom.* 16. 1. 1 *Cor.* 1. 12, 13. with 4. 6. 1 *Cor.* 4. 7. *&c* *ver.* 8.

themſelves at, 1 *Cor.* 4. 1. *Let a man ſo account of us as of the* οἰκονόμους *Miniſters of Chriſt, Stewards of the Myſteries of God.*

4. *Diſcipline* and *Cenſures*, the *Keyes* that open and ſhut, this expreſſion hath its reference to a Houſe or City moſt properly and in the firſt place. Particularly the Cenſure of *Excommunication* which is as the *purging out of the old Leaven*, 1 *Cor.* 5. 7. 13. this was done by a careful and diligent ſearch into every corner of the
Exod. 12. houſe. So the Excommunicate perſon like *Cain*, is caſt out of the family, and droven from *the preſence of God*. With ſuch a one *not to eat*, is all one with holding him as *a Heathen and Publican*. This Cenſure is termed a *Rod*, ῥάβδος as the Correction of our
Eph. 6. 9. Children is termed παιδεία Diſ-
2 *Cor.* 12. 14. cipline, ſee *Beza*. The Apoſtles being Spiritual Parents, threa-

threaten the *Rod*, that is to cenſure in a Diſcipline way, *Cap.* 13. 1. *In the mouth of two or three Witneſſes, &c.* compared with *Math.* 18. And then *verſ.* 2. *If I come again I wil not ſpare* which is the ſame with 1 *Cor.* 4. 21. *Shall I come with a* Rod.

The ſixt *Inſtance*: As the Government of a Family is low and humble, ſo it is carried on in the moſt familiar and affectionate way, There is an intimacy, and daily converſe with our Governors. *Inſtruction* and *Correction* are much ſweetned from that fatherly care and affection, we have experienced, in *other* dealings. It is thus with Churches; though the Power there exerciſed, be ſome way coercive, yet brotherly, and ſubmitted unto with much Reverence, being adminiſtred by thoſe we love, honor, and depend upon, as Spiritual Fathers. *Ecclesiaſtical* *The 6. Inſtance.*

Prop. to the Gen. Assem. 1647.

cleſiaſtical Power (ſaith our Brethren of *Scotland*) *is indeed furniſhed with Authority, yet that authority is rather the fatherly then the Kingly Authority.*

We have ſaid that neither the cenſures of the Church, nor of civil Magiſtrate, *morally* work upon us further then we work upon our ſelves. Yet there is this difference, the weapons of the one being carnal, affect the ſenſes, and by them the mind, coming in upon it more ſuddenly and ſtrongly. *Senſe* and Appetite have now a broad ready, & more direct way to the Soul then *Reaſon*. But Church cenſures touch us not, or very little in any Bodily concernment. So that nothing comes in upon us any way, but what we our ſelves are willing to let in. It is a great advantage therefore, and much to our Edification, that the perſons who deal with us in ſuch a way

a way, be first let into us, that is, much in our affections and good opinion, and having entertained the persons, their ministration wil the easier be let in with them, and so we come to be *taken by Craft* as it were (as the Apostle expresseth it) 2 *Cor.* 16. that is we are induced by a sweet and attractive Bait, to take our selves. The Persons therefore that are over us in the Lord, being such as we intimately know, and dayly converse with, such as our selves have chosen to be our spiritual Fathers, such also as we have experienced their goodness and tenderness in other Gospel administrations: we more easily subject to their rebukes and Censures as coming from the same Affection. The Ruling power in a Family, is you know by those that are intimately known, and greatly oblige, as Parents who dayly care and provide for us for present and to come, and therefore

though they correct us, yea, sometimes in *Passion:* yet *we give them Reverence* Heb. 12. 9. Censures in Churches or Church chastisements *are* therefore or *ought* to be from those that instruct and give us our portion in spiritual Comforts: the Rulers of Christs Household gives them *their meat in due season.* *We exhorted and Comforted* (saith the Apostle) *and charged every one of them as a Father doth his Children.* *Paul* can *charge* them and with greater Authority even in their own Hearts who have had experience, how in a Fatherly way, he *Exhorts*, *Comforts*, and *Travails* as it were *in Birth with them.* The *Apostle* urgeth Obedience and submission upon such a Consideration *obey them that have Rule over you and submit your selves, for they watch for your Souls as they that must give an account*, that is, there is an intimate and affectio-

Mat. 24. 45.

1 Thes. 2. 11.

Heb. 13. 7.

nate

nate relation between them and you being ſuch, as Faſt, and Pray and Mourn, and Rejoyce, yea Eat and Drink with you dayly at the ſame Table of the Lord, and are intruſted with the care of your Souls from the hand of Chriſt.

This cannot be where the paſtoral or Miniſterial work is divided, and the *Keyes* of the Church hung apart. Thoſe that inſtruct us not, nay are *Strangers* to us, *Rule over us*, Rebukes and Chaſtiſements in this ſpiritual way are from thoſe whoſe Faces we never ſaw, or know ſo much as by name. Its true, we may argue thus; they are ſtrangers, expect no favor therefore, or mercy from them if you offend: this procures obedience indeed but it is in a ſervile way. The mind of Chriſt is that as our Submiſſion to himſelf, ſo to his Miniſters (who even in Cenſures act in his Name) be affectionate, filial, and drawn by the Cords of love.

Thus have I gone through with the Inſtances *promiſed, with what brevity the nature of the matter would permit. By which it is not intended to paralel theſe* Societies *in reſpect to the intrinſick form of* (*Government* peculiar to each: *for that, in a Church is from the Inſtitution of Chriſt, rather than the light of Nature*) *but the more* general *ſtate and habitude of of Eccleſiaſtical Government as Churches ſtand diſpoſed to the Civil Magiſtrate or one to another, and what the light of Nature and common reaſon contribute hereunto, being ſo much inſiſted upon. What hath been ſaid I hope tends to* Union *and accommodation. Thoſe that hold* any *ſpiritual Government* Jure divino *and by the appointment of Jeſus Chriſt, do not deny it to a particular Church, And thoſe that hold* none *yet are at a* leſſer *diſtance from ſuch, who claim ſo* little.

CAP.

CAP. VI.

A ſecond Objection. Of the Juriſdiction over Particular Churches in Synods Eccleſiaſtical Courts, &c. §. 1. *as exerciſed with us.* §. 2. *and in other places.*

Object. 2.

THere are *Synods*, *Conſiſtories*, *Colloquies*, and other Eccleſiaſtical Courts, which exerciſe an Authority in ſpiritual matters over Churches: Therefore that of the Magiſtrate before mentioned, is not ſo neceſſary.

Anſw.

It is humbly denied, and aſſerted: That theſe greater Aſſemblies, a Synod, Claſſis Coloquie and the like; either have no ſuch coactive Juriſdiction, as we men-

tion: or are Dependent upon the Civil Magiſtrate for it. This we ſhall ſhew by declaring more fully what Eccleſiaſtical power is exerciſed by Synods or ſuch Courts.

1. *In this Kingdom.*
2. *In other reformed Churches.*

The Eccleſiaſtical Courts in this Kingdom are of two ſorts.

1. There are we know ſpiritual Courts (ſo termed) ſuch as the *Prerogative*, the *Arches*, Court of *Faculties*, the *Arch-Deacons* and *Commiſſaries* Courts. Theſe claim only, from the civil Powers as was ſhewed before. In the Statute of 37. *Hen.* 8. c. 17. it is declared that *The Arch Biſhops, Biſhops, Arch Deacons, & other Eccleſiaſtical perſons have no manner of Eccleſiaſtical Juriſdiction, but by from, and under the Kings Royal Majeſty.* By the Statute alſo of

pag. 45. 46.

1. *Ed-*

1 *Edw.* 6. c 2. *All Courts Eccleſiaſtical within the Realms of* England *and* Ireland, *ought to be kept by no other power or Autherity either forreign or within the Realm, but by the Authority of his moſt excellent Majeſty.* And it was further enacted, *that all their proceſs ſhall iſſue out under the Kings Seal and his name and ſtile, &c.* but ſince repealed. Dr. *Coſens* in his learned defence of them and their proceedings, aſſerts thus: *they are* (ſaith he) *warranted by the Statute and Canon Law of this Nation*, profeſſing alſo, that there were Reaſon enough againſt thoſe Eccleſiaſtical proceedings, *if they were not claimed from the Crown, but from ſome other Authority immediately, as the Popiſh Clergie did theirs from; by the means and direction of the Pope.* *Apol. part* 1. *cap.* 1.

2. Our *Convocation* or general *Synod* which makes Lawes and

Canons about matters that are more ſpiritual. This is an ancient Court and hath formerly been, in *it ſelf* of great Authority in Eccleſiaſtical regulations. Its not ſoe now; but *dependent* upon the Civil Magiſtrate, for whatſoever Jurisdiction or coercive power there exerciſed: which wil appear in theſe porticulars.

1. There are no *Lawes* or *Canons* made by the Biſhops and others of the Clergie in the Convocation that oblige under any penalty, without the Stipulation and Aſſent of the civil Magiſtrate, be it either in matters of Faith or Diſcipline. The 39. Articles and Canons about them, concluded upon by the Synod in *Anno* 1562, engaged no man under any penalty in our Law to believe, profeſs, or ſubſcribe until they had an aſſent or eſtabliſhment by the civil powers. Nor can they proceed

Nihil habet vim legis priuſquam Regius aſſenſus fuerit adhibitus, ijs quæ Synodus decernanda cenſuerit. Coſins *Polit. Ta. 1. a.*

ceed againſt any crime as *Hereſie*, *Apoſtacy*, or groſs innormity in Doctrine, but what our Laws declare to be ſuch.

And for matters of *Diſcipline* and Worſhip: It appears by the Letters patent, coppies whereof are annexed to the Canons publiſhed in *Anno* 1603. and 1640. That 1. All power to *meet, confer, treat debate, and agree upon any matter for common good, is from ſuch Licence*, Power and Authority *as is* granted *to the Arch Biſhops, Biſhops, Chancellors & other members of the Convocation* from his Majeſty *of his ſpecial Grace and by vertue of his Preogative Royal and Supream Authority in Eccleſiaſtical Cauſes*. And ſecondly the Synod having treated of, concluded and agreed upon, *Canons, Orders*, &c. to the end and purpoſe by his Majeſty limited and preſcribed unto them, They are to offer

and

and preſent the ſame to his Majeſty in writing. *He upon mature conſideration taken thereupon*, may allow, approve, confirm, and ratifie, *or otherwiſe* diſallow, inihilat, *and make void ſuch, and ſo many of the ſaid Canons orders*, &c. *as he ſhall think fit, requiſite, or convenient.* And *none of thoſe Canons* &c. *ſhall be of any* force, *effect, or validity* in Law, *but only ſuch, and ſo many of them, and after ſuch time as his Majeſty by his Letters patents ſhall approve and confirm the ſame.*

The licence to the Convoc. in anno 1640.

The civil Magiſtrate may ſuſpend for what time he ſhall pleaſe, yea wholly deprive any Biſhop or Biſhops from their Office and place in this Synod, who are the chiefeſt Members thereof. He may commiſſionate alſo by writ * what other perſons he ſhal pleaſe to ſit in Convocation with them. And if occaſion be, he may likewiſe wholly

* *Cook Inſtit. pag. 4. cap. 74.*

ly constitute another Synod, and nominate each particular person of what quality and of what number of his Natives as he shall please; and give them like Authority in Ecclesiastical matters. So was that Synod of the 32. appointed (by *Hen.* 8. and afterwards by *Edw.* 6.) to do the work of a Synod, and present a Body of Ecclesiastical Canons for confirmation by the Magistrate.

Field of the Ch. lib. 5. cap. 53.

Princeps potest assignare, nominare, & authoritatem dare quandocunq; & quamdiu ipsi placuerit hujusmodi indigenis subditis quos idoneos censuerit &c. Dr. Cosin de Pol. Tab. 1. a.

3. These Laws saith * *Cook* are termed *Regiæ Leges Ecclesiasticæ*, and another *such Ecclesiastical Laws as now are in force, are called* the Kings Ecclesiastical Laws, *for that now all Jurisdiction, whether it be Temporal or Ecclesiastical, is the Kings.* And if there be any thing difficult or doubtful in these Laws, the Interpretation is ultimately to be given in the civil Judicatures. So *Cook's Instit. pag. 4. cap. 74.* To the *King* also

**de Ju. Ec. pag. 9. Dr. Ridley's view pag. 110.*

25 Hen. 8 c. 19. also is the last Appeal to be made and *Delegates* appointed by him, give final Determination in controversies, after adjudged by those Laws and Canons in any, yea the highest of those Ecclesiastical Courts. *Ultima Appellatio sit ad Principem & non extra Regnum*, saith Dr. *Cosen*, and tells us it is a Jurisdiction *Coronæ Regiæ de Jure debita*.

25 Hen. 8 c. 21. 4. The Kings Majesty may *dispence* with any of those *Canons* or Ecclesiastical Laws, indulge the omission of what is enjoyned by them. Make void the crime and remove the penalty, incurred by breach of them, yea, and give faculty to do or practise otherwise; any Synodal Establishment or long usage to the contrary notwithstanding, in what *offends not the Holy Scripture and Lawes of God*.

5. The King may exempt persons

ſons and Societies, from the Juriſdiction of the *Ordinary* or *Biſhop*, or any elſe who are to execute theſe Canons. This my Lord *Coke* aſſerts, and as a Prerogative annexed to the Crown. He gives many Inſtances of ſuch *Diſpenſations* in ſeveral Kings Reigns, both ancient and of latter times. For doubtleſs what Power he grants, and is exerciſed under him, may be reaſſumed by him. And Priviledg, even whole Pariſhes if he pleaſe, from *Epiſcopal* or *Synodical* Jurisdiction, and ſuch Pariſhes are ſaid to be *Regiæ Majeſtati immediate ſubditæ*, Mocket *de Eccleſiaſtica Ang. Pol. pag.* 294. And many Pariſhes to this day, ſtand thus exempted by the favor and grant of Princes formerly. The *Dutch* and *French* Churches in ſeveral Parts of this Kingdom, by Patent from *Edw.* 6. were exempted from the then Eſtabliſhment, and

De jure Eccleſiaſt.

and exerciſed a *Diſcipline* and formes of *Worſhip*, according to their own perſwaſion. Our Synod and Eccleſiaſtical Courts, having by vertue of this Exemption nothing to do with their Miniſters or Churches. Which Priviledg hath been confirmed to them by our Kings that raigned ſince, and are enjoyned to this day. His Majeſty that now is, by his Prerogative in Eccleſiaſtical matters, notwithſtanding the preſent form of Worſhip and Ceremonies, graciouſly indulged tender conſciences a *Forbearance* in what they were not ſatisfied and to practice otherwiſe, *Declar. of* Octob. 1660.

6 There is no matter or thing appertaining to Religion, or firſt table Duties, or ſo intimate & properly ſpiritual; which a Synod or Convocation hath cogniſance of and may make Laws and Canons about: But the like things have been

been eſtabliſhed by the civil powers (more then ſomtimes for advice) without it, as wil abundantly appear in the many Statutes and Laws of former and later times, as againſt *Swearing*, *Perjury*, *Sabbath breaking* &c. that one inſtance, the *Liturgy*, *and ordering Biſhops*, *Prieſts and Deacons*, the many *Rubricks* in each of thoſe books are ſo many Canons and Eccleſiaſtical Conſtitutions. In ſo much as ſome have termed the Parliaments of *England*, Synods or Repreſentatives of the Church of *England*: obſerving alſo that in the Kings writ by which a Parliament is called, there is expreſly comitted unto them the conſiderations of what concerneth the *church* as the *Kingdom* of *England*.

There hath been alſo *Injunctions*, *Declarations*, *Advertiſements* *Proclamations*, and the like Edicts publiſh-

published in Ecclesiastical matters, from time to time by our Princes, without calling or advising with a Synod. And obedience hath bin required unto those *precepts*, by the Ordinary in each Diocess, as well as to the *Canons* and Ecclesiastical Laws made by Synods.

The Dependency therefore of Synods and Convocations upon the civil Magistrate, according to the Constitution and Practice here in *England*, is very great and apparent: For, 1 They can make no Canon, or Ecclesiastical Law without the civil Magistrate: but he can and may without them. 2 None of their Laws though ever so ancient but may be revoked by a Parliament, but the Rubricks or Ecclesiastical Laws established by it, may not be medled with by the Convocation.

His Majesty's Licence to the Conv. May 12. 1640.

I shall conclude with B. *Bilson* who seems to state the nature and occasion

occaſion of Synods, as they are in this Kingdom, very fully, and indeed much as they ought to be whereſoever they are called, his words are theſe. With us no Synods "may aſſemble without the Prin- "ces warrant, as wel to meet as to "conſult of any matter touching "the ſtate of this Realm ; and "why ? they be no court *ſeperate* "from the Prince, nor *ſuperiour* "to the Prince, but ſubjected in "all things to the Prince and ap- "pointed by the Laws of God "and man, in Truth and Godli- "neſs to *aſſiſt* and *direct* the "Prince, when and where they "ſhal be called to aſſemble : o- "therwiſe they have no power of "themſelvs to make *decrees*, when "there is a Chriſtian Magiſtrate, "neither may they challeng the "judicial hearing, or ending of "Eccleſiaſtical coutroverſies *with-* "*out* or againſt the Princes like- "ing

D. Bilſ. Per. Gov. cap. 16. p. 383.

ing. It appears evidently hereby, that in the Judgment of the learned author Synods in their nature and use are not for *Rule* and *Government*, where there is a Christian Magistrate: or otherwise then as assistants only to counsel and advise him.

2. THe Synods in *other reformed Churches* claim a *coercive* jurisdiction from an *intrinsick* right received immediately from Jesus Christ, as Ministers of the Gospel. There being no expres Scriptures to uphold this Assertion, and the light of Nature and common reason being supposed sufficient to create a *jus divinum*. The Authors of this perswasion argue thus,

Discip. of Scot. lib. 2 c. 11. also Act. of G. Assemb. before the Confes. of Faith.

Jus divinum regiminis cap. 3.

"In all Kingdoms and Republicks if wrong be done by inferior Courts, we may have right "by appealing to a Court superior in Authority; there ought "therefore

"therefore to be ſuch an order in "Churches, that is, a Claſſis, Sy-"nod, &c. that there may be re-"gular Appeals in like Caſes. *Jus D. regim.* cap. 1
"And further they argue, If it be "not ſo, when whole Churches "or their Conſiſtories tranſgreſs, *Aſſembly. Diſpute p.* 114.
"there is no ordinary Remedy. "The Proviſion Chriſt hath made "for Government in his church "wil be found defective: For Rutherf. *peaceable plea. cap.* 15.
"though there be a Remedy for "particular perſons; yet for a "church offending, there is none, *Aſſertion of the Govt. of Scot. by* G. Gilleſpie. *part* 2. *cap.* 4.
"if there be not a ſuperior Church "or Eccleſiaſtical Power to appeal "unto.

Leaving wholly what they pretend from Scriptures: I ſhall examin this only their Reaſoning from common light, It being more ſutable to our preſent ſubject: and in the general ſay.

1. In the Myſteries of the Go-ſpel (from which by their own *Anſw.* 1.

conceſſions, Church-communion and Diſcipline is not to be excluded any more than Preaching or the Sacraments) It is very unſafe to make the dim Eye of Reaſon our Guide. Of what advantage ſuch ſuppoſitions have been, in producing *Arminianiſm*, *Socinianiſm*, *Platoniſm*, *&c.* but eſpecially of the many groſs Errors and loathſom Superſtitions in Popiſh Worſhip: we cannot be ignorant.

Anſw. 2. 2. An Appeal (as underſtood in this diſpute, and ordinarily by *Civilians*) is *a provocation to a ſuperior Tribunal, upon the error or wrong done by an Inferior.* Such an Appeal is not eſſential to Government, unleſs we can ſuppoſe a *progreſſus in infinitum*: nor is there a defect in that Government where it cannot be had. Some Societies are 1. So *low* and little in compaſs, as they need not ſuch Appeals.

peals. A Family is a compleat Society or Corporation, though there be not a Superior in the ſame kind, that is an Economical power to appeal unto: ſo may a Church be, though not a Superior in a *ſeries*, properly Spiritual or Eccleſiaſtical. 2. Others ſo *High*. If there be an Error or Wrong done in or by a general Aſſembly or National Synod (ſuppoſed in the exerciſe of power of greateſt perfection) we have no Remedy, no Superior to appeal unto. Therefore they term their Church or general Aſſembly an *Independent*. If it be ſaid, as it is by ſome, we may appeal from it to an *Oecumenical* Councel. *Anſw.* Theſe Great Councels have erred, and may, and what then is the Remedy or further proviſion? to what Eccleſiaſtical Tribunal Superior can we appeal from them?

Arg. by the Com. of Scot. Anno 41. p. 1, 2, 9. alſo their Declar. againſt a Croſs Pet. p. 10.

Answ. 3. To Answer more particularly. This reasoning being grounded upon a Similitude betwixt the Ministerial Government of Christ and the Political Government of Kingdoms; we say there is not *Par ratio*, and therefore no just consequnce. The Disparity will appear in divers particulars.

I. *Disparitie.* In their Natures, as *Civil* and *Religious* Assemblies. In this the Difference is so great as *Councels*, *Schoolmen* and *Casuists* who all grant Appeals in civil Affairs: yet in Ecclesiastical matters the ordinary use of them is so constantly, and generally denied: as it is an Axiom saith one, that *in religious Causes the voyce of Appealing is not to be heard or mentioned.* and in the same chapter he gives us the reasons of it in these words. *Si in ordinarijs correctionibus quæ juxta disciplinam religiosam fiunt, locum haberet Appellatio*

Videtur axioma comuniter acceptum inter probos Religiosos Appellationis vocem audiendam non esse, Suar. de virt. Tom. 4. pag. 9.

latio a Priore ad Provincialem, et a Provinciali ad Generalem; magna sequeretur perturbatio, & disciplina religiosa sine dubio corrueret, &c. "In ordinary Censures and "such as are according to a religious Discipline, if Appeals "should be made from the Prior to "the Provincial, and from the "Provincial to the General; it "would breed a great disturbance, "and be doubtless the Ruine of "Religious Discipline: for 1. inferior Governors would quickly "be despised, and have little Reverence or fear. 2. By such a "delatory way, opportunity wil be "given, by Friends, or underhand "working, to prevent any religious "discipline. It is therfore expedient for the good of Religion, "that there be a more simple way "of procedure in these spiritual "corrections, and that it be without any kind of Appellation, thus

far *Suarez*. And others of them also tell us, That in a *voluntary* and *brotherlie* Society, its more comelie and honourable to end Offences and Differences in a private and peaceable way, amongst themselvs, and within the Society then by clamorous Appeals to make matters more publick. It should not be of little weight also with us the Tenderness of Christ if it be considered, and how he would not have Breaches and Offences amongst Bretheren to be made more publick, or carried further then is necessarie. And by any thing we find in the Text, there is no Necessitie we should carry matters for censure, out of the church where the Offence is. If there were, doubtless Christ would have given us direction as wel for the managing of Appeals FROM a Church as IN a Church. *Mat.* 18. 15. 16 17. where each step and circum-

Soto de Just. lib. 5 4. 6. *art.*

circumstance, in the progress from a lesser to a greater Authoritie, is described.

From the different condition of *punishments* in respect to releif, if unjustly inflicted. Church Censures have little operation on us, further then our own Consciences and the Spirit of Christ make them effectual by working them in upon us. But if inflicted where no just cause, and *Clave errante*. The Spirit of Christ will not convince us of Sin, or let in Sathans terrors, nor any such impressions of Greif or Shame as much to afflict us being innocent. How little hath the *Popes Buls* or such thundrings from *Rome* been valued or esteemed: or excomunications sent out of our Spiritual *Courts* when we kuow it is but for a *four-penny* Offence. In Civil affairs it is much otherwise: for, be the Sentence *just* or *unjust*, the execution

II. *Disparitie.*

ecution of it is equally *grievous* and a puniſhment, be it in reſpect of Life, Liberty, or Eſtate. And there is no way either to avoid or mittigate ſuch wrongs, but by appeals. The neceſſity of ſuch appeals therefore is very great, but in reſpect to Eccleſiaſtical Cenſures, little or nothing at all.

III. *Diſparitie.* The Ordinary *end* and *uſe* of Appeals is either 1 for Releif of Perſons Suffering, or 2 that corrupt Judges be cenſured, and unjuſt Sentences reſcinded. Perſons come to be releived, when by Appeals to higher Powers there is a better underſtanding either 1 in the Rule and Law, or 2 a more righteous judgment in matters of Fact. There are none of theſe ends or uſes of an Appeal, ſo accompliſhable in an Eccleſiaſtical proceſs as in a Civil.

1. If the *Rule* be obſcure, a right underſtanding of it may *infallibly* be

be had by appealing in *Civil* affairs; the ſupream Court is here on earth, that made the Rule or Law: whats determined by a Parliament, or ſuch Perſons as are intruſted by it to this purpoſe, is to us unqueſtionable.

But its otherwiſe in *church* affairs, our Law-giver is in Heaven, and cannot in ſuch a forenſical way be appealed unto, nor hath he left any Vicar or viſible Judg under him, of greater Authoritie in reſpect of Infallibillity then a particular Church: *which is the ground and Pillar of Truth.* The Papiſts, ſome of them in great and weighty matters (not otherwiſe) that are ſpiritual yeild Appeals: but its upon this Suppoſition, that the cauſe at laſt will be brought to a Tribunal that is infallible *licitum eſt* (ſaith P. de *Aragon*) *in re gravi cuique cauſam ſuam deferre ad ſedem apoſtolicam; quando vel ex imperitia*

1 *Tim.* 3. 15.

Aragon in 1. 2. *q.* 69 *a* 3. *D. Tho.*

imperitia, vel ex Paſsione inferiorum judicum qui homines *ſunt ac* decipi *poſſunt, injuriam patitur*, The Pope cannot be deceived, he is more then a Man.

2 Matters of Fact by reaſon of Appeals come to be ſentenced at a great diſtance from the place, where the Crime and Offence lyeth: which in worldly concernments may with more Righteouſneſs be done, then in what is ſpiritual, and of Church Cognizance.

1. Tranſgreſſions come under a civil Judgment as materially conſidered, and according to the groſs Act, but brought to the Church, not as *Sins* ſimple, but as *Scandals* and Offences, which is a conſideration not ſo obvious, but requires good Judgment in the *Witneſſes* as well as in the Judges. The *Obſtinacy* alſo or *Pœnitency* of the perſon offending, accordingly as Teſtimony ſhal be given of either,

is a more difficult matter to make out, then either the *Sin* it ſelf, or the *Scandal*. Repentance, godly Sorrow, or the contrary, is the principal thing to be regarded in Church-proceſs. Repentance I ſay in truth and ſincerity, ſo far as we can judg in (a ſeeing and not blind) charity. It is not only the Paſſion, Sorrow, or Shame, but *godly Sorrow* which is more ſpiritual, and deeper in the Heart, and requireth much and particular Knowledg of the Perſon and his temper, and ſuch as cannot be attained at a diſtance: but by frequent and familiar converſe. To ſit in the Stool of Repentance, ſtand in a white ſheet, or do *penance* (as its termed) theſe are (as *the fruits of the fleſh*) *manifeſt*, and judged of at the greateſt diſtance, its not ſo deep, as we need much *underſtanding* to *draw it out*. Pro. 20. 5.

2. The cenſure whether binding

ing or looſing, is to be executed alwaies by the particular Church, where the Offender is a Member: Thoſe perſons above all others, are to have a particular Knowledg of his crime and true repentance, they are *to forgive and confirm their Love*, or otherwiſe, to *withdraw* from him. If THY Brother offend thee, let him be unto THEE a heathen &c. The *Execution* of the Cenſure being by each Brother of that Church, it is neceſſary the *Examination* of the matter be before them. Spiritual Duties are not to be performed upon an *implicit* Faith. What Knowledg but by remote hereſay, can a Church in the *Orchades* have of a mans repentance or obſtinacy the ultimate tryal and cognizance whereof is taken by a Synod at *Edenborough*. Civil cenſures are for Satisfaction of the whole Nation, and not the Pariſh or Borough only where the

2 Cor. 2. 7.

Math. 18. 15. 17.

crime

crime was committed: but in a Church-cenſure, the particular Aſſembly being only (and no other Congregation or Perſon) morally *leavened*, and charged with the offence: Are principally, and in the firſt place concerned to have ſatisfaction of the repentance and ſubmiſſion of the perſon offending: For by this means only their *Lump* or Church becomes again *unleavened*.

4. The other *End* (before mentioned) and *Uſe* of Appeals is that our *Judges* and their *Sentence* be cenſured and judged by ſuperior Tribunals. To which proceeding, the judges in civil Judicatures are liable, but there is not the like Subordination in Churches for theſe Reaſons. IV. *Diſparity.*

1. All the Power and Authority placed in their inferior Courts is no other but the influx of the ſupream civil Powers, to whom we

Unæquaq; res per quaſcunq; res naſcitur per eaſdem diſſolvitur.

we alwaies make our laſt Appeal; and therefore proper to them, to *ſuſpend* Actings, nay utterly to *deſtroy* in part or in whole, what Jurisdiction is derived from them, as appears in the Conſtitution of all Kingdoms. But it is not ſo here a particular Church. The Court we are to appeal from hath not its Being or Jurisdiction from a Claſſis or a Synod " theſe rather derive their Power from it, being *Repreſentatives* only, as our Brethren have formerly written. Particular Churches they term *Eccleſiæ primæ*, and Synods *Eccleſiæ ortæ*. Again, if Synods (as they grant) exerciſe over Churches a Power only *cumulative*, not *deſtructive*: How can they excommunicate a Church, ſeeing Excommunication renders a Society as *Heathens* and *Publicans*, which is to unchurch them, as Mr. *Rutherford* rightly affirms. 2. As

" *Eccleſia Parochialis eſt Eccleſia vera eſſentialiter & integraliter abſq; ulla correſpondentia vel Synodo Voet. de Syn. pa. 13.* Parker *de Polit. Eccleſ. lib. 3 cap. 13.*

It is an authoritative unchurching of an obſtinate church we plead for Ruth. *peaceable Plea. cap. 15. page 223. and p. 222.*

Excommunication is an authoritive unchurching.

2. Although whole Churches may be punished for male Administration by the *Civil* Magistrate, yet may not an *Ecclesiastical* Power meerly such do the like, for to destroy or save whole Societies, for the Evil of a major part or a few persons, is the prerogative of the Lord himself, which he communicates also in some cases to civil Magistrates his *deputies* but in no case to Churches: it being an Authority high and Princelie, and not at all Sutable to such as have only a Ministrie and not a Dominion. Bishop *Davenant* tells us That *a Censure is not to be drawn on the whole Body of a Church, for as the Laws forbid to excommunicate a Society or corporation, because it may happen that then those that are innocent may be intangled in the censure: so Right and Religion forbids to exclude whole Churches from the communion of the faithfull, because*

Brotherlie Comunion c. 9. p. 102.

this cannot be done without an injurie and contempt to many that be innocent. what ever formerly of this ſame unchurching power in Synods hath been aſſerted, yet ſince upon further debate we are told: this ſame *excommunicating of whole Churches is a thing unknown in the Preſbiterian Government and not the Churches but particular perſons in the Churches are cenſured.* But how can we ſay ſingle Perſons only are to be cenſured and not the whole Church: when as we know the *contending parties* of what condition ſoever: are both equally liable to the *cenſure of the Judg.* Novv when matters are brought by appeal to a ſuperiour Court: the Court appealed from, is a partie, and in this reſpect upon no higher terms then the *pars appellans* though a ſingle perſon.

Aſſemb. Diſputes pag. 180.

But graunt it be ſo and that the

object of a Censure from a Synod be onlie particular members: Then, 1. Churches cannot have such a remedie as in Civil States for Appeals of this Nature are not to be made to any but persons invested with such a power, as may suspend or make void in part or in whole, the power of that Court by whom the wrong hath bin done and appealed from, as hath bin shewed.

Excommunicatio ejusq; denunciatio post appellationem legitimam latam, est nulla. Nardus p. 53. col. 2.

2. If there be no Power in a Synod, of such a proportion superior to a Church, as to censure it by excomunication or suspension at least: then will the members of this Church by admitting such appeals, be necessarily under a twofold Jurisdiction not subordinate, which tends to the greatest confusion imaginable: for if the Synod and the Church in their light and apprehensions varie about the con-

dition of an Offender, one of them may in conſcience be bound to juſtifie whom the other condemns.

3. There is no *ſupply* of a ſuppoſed *Defect*, or Addition of what was not before, for if their ſuperiour powers excomunicate particular members onely and not the whole Church: This is nothing more then each particular Church hath power to do. And it is as much an Ordinance of Chriſt where two or three that is a leſſer number are gathered together, as where a greater; a cenſure by the Church at *Keneria* is as much a cenſure, as if by *Corinth*, if a quarter Seſſions execute a man, its as much a Judicial death, as if judged by the Aſſiſe, Kings Bench or Parliament; the Reaſon is obvious, its the Law that judges him, not this or that Judicature: ſo it is the Law and Appointment of Chriſt that excomunicates, not this or that Preſbyterie

bytery greater or leſs, and this Law is the ſame to all.

We come now to the other part of the Argument, drawn from the light of Nature. *If appeals be not, there will be a defect in Chriſt's Goverment. Perſons are left without remedy, for wrongs done by whole Churches.*

I anſwer with *Suarez* in the ſame caſe *Argumentum eſt* (ſaith he) *ab ſpecie ad genus negativum, defenſio eſt genus et latius patet quam appellatio Poteſt enim ad ſuperiorem recurrere per ſimplicem querelam vel per modum ſupplicationis, &c. quod eſt ſufficiens remedium diverſum ab appellatione et multo magis decens religioſum ſtatum.* "It is an Argument from "the *Species* to the *Genus*, there "are other waies of defence. We "may have recourſe to a ſuperior "by ſimple *Complaint*, or by way "of *Supplication*. Which is a ſuf- "ficient *De virtute* Tom. 4. *pa.* 99.

"ficient remedy and divers from
"an *Appellation*, and much more
"becoming the ſtate of Religion;
"Thus that Author. More partic-
"cularly, we therefore Anſwer.

1. *There may be a ſufficient defence or remedy, though not by appeals.*
2. *There may be appeals though not in ſuch a way.*

1. For the firſt, this Addreſs or *Recurſus* to others ſuperior or equal, is not for the putting forth any Act of Juriſdiction or Compulſion: Such perſons interpoſe by way of Intreaty, Perſwaſion, Pleading the Cauſe of the wronged, Reproving, Threatning, or in ſuch way, as a ſingle paſtor may deal with any of his people. Thus *Paul* often. In a difference between *Philemon* and *Oneſimus*, *Philem.* verſ. 10. *I beſeech thee for* Oneſimus,

mus, *Phil*, 4. 2, 3. *I beseech* Evodias *and* Syntiche: it was upon some breach in the Church. 1 *Cor*. 1 10. *Now I beseech you Brethren that there be no Division*, This interposition of the Apostle with the Corinths was upon the desire of the *House of Cloe*. vers. 11. There may also be more earnest *Pleadings* *Hos*. 2. 2. *Reasonings*, *Rebuks*; Yea, openly and before others. The Apostles *Gal*. 2. 11. were equal in Authority, yet *Paul* 14. did not only Reason and Plead with *Peter*, but Rebuke and Reprove him publickly and before others. And in his dealing with *Barnabas*, *Pauls* spirit did rise high- *Act*. 15. er, and yet no Power or Jurisdi- 39. ction exercised, or might be by one Apostle over another.

If Synods be applied unto, only for counsel and advice in differences and difficult cases; it is a *provision* not to be despised. Scripture-light in an Instruction or reproof is

cogent, by what hand ſoever administred, but more eſpecially when in the way of an Ordinance or Appointment of Chriſt. As are Paſtors, and Synods, though intruſted with a *Declarative* Authority only.

Let it be conſider'd how the greateſt reformation made in the Hearts and Lives of men and women, is ordinarily by the application of the word of God in the Ordinance of Preaching: which is the Inſtruction Reproofs, &c. of a ſingle Miniſter, who hath not power to excommunicate ſuch as deſpiſe his Doctrine. *Faith comes by hearing*, not by Diſcipline. Until they be judged, believers, they *are without*. If this means, or ſuch a Doctrinal Application by a ſingle Miniſter, be ſufficient to make ſuch Reformation upon ſingle perſons, and thoſe that as yet own not Chriſt, or have Conſcience of an Ordi-

1 Cor. 5.

nance

hance: Why ſhould we not expect the like fruit where many Miniſters are Synodically gathered for the Reformation of whole Churches, (perſons profeſſing to underſtand and reverence ſo ſolemn an Ordinance of Chriſt) though there be no coercive Power intruſted with it, to enforce Submiſſion.

2. There *may be Appeals, though not in the ſame Series*, but to a Tribunal extrinſecal, and not meerly Spiritual: as when we appeal to the civil Magiſtrate, or ſuch as are appointed by him over Eccleſiaſtical Matters. For 1. if *the King in his Laws and the Church in their Synodical Canons command and forbid one and the ſame things*, as is aſſerted. And 2. if the perſons commanded ſtand as much in a civil Relation to their Prince being Subjects; as they do in a ſpiritual Relation to the Church, as Members.

Receptum eſt in Gallia ab Eccleſiaſticis poſſe provocari ad curias ſupremas Parliamentorum P. Gr. Tholoſ. *l.* 50. *c.* 2. §. 36. Ruther. *Due Right cap.* 6. §. 5. *pag.* 396.

bers. Doubtleſs the Chriſtian Magiſtrate having a Supremacy in Eccleſiaſtical matters as in civil, and (eſpecially) being aſſiſted by the *Counſel* and *Advice* of Synods: is a ſufficient and effectual means to reform the miſcarriages of particular Churches, if appealed unto.

The truth is though Churches were threatned, or ſtruck with the higheſt cenſures (being meerly ſpiritual) and from a National Synod the higheſt Throan: were it not from foreſight, that if ſuch diſcipline be deſpiſed, the Magiſtrates ſword, by ſome Corporal puniſhment will ſecond it. There would be little fear or dread of thoſe Synodical cenſures. And if ſo, as it is apparent to the moſt in a National or Provincial Church as ordinarily conſtituted, it is no otherwiſe. Common Reaſon will direct

us

us rather to go *immediately* by *Appeals* to the civil Magiſtrate or his Delegates: then in ſuch a compaſs, as to drive the cauſe from a conſiſtory to a claſſis, from thence to a Provincial Synod, and after that to a National Aſſembly, and when all this is done, there is little to any purpoſe done if not ſeconded by a *ſecular arm*. Hence our learned Brethren formerly admitted no other Appeals of this nature, but to the civil Magiſtrate, as we have fully ſhewed in the former *Digreſſion*: To which we ad what is by that Author further ſaid. "If the brethren or "Officers in a Church be perverſe, and will not hearken to "Reaſon, they (that are wronged) are to crave the aſſiſtance of "the civil Magiſtrate: who alone "hath Power, and who ought by "the civil Sword and Authority, "procure to all Members of the Church, Cap. 2.

"Church, Governours or others,
"freedom from all manifeſt injuries
"and wrongs. The manner how
the Civil Magiſtrate is to proceed
in church cauſes is there alſo deſcri-
bed to us in the words following;
"Though the Civil Magiſtrate
"cannot abſolve the Excomunicat
"perſon, &c. or take away this
"power from the Church, yet
"when they or any of them ſhall
"apparently abuſe the ſame: He
"is bound by the Law of God,
"and by virtue of his office groun-
"ded upon the ſame; To puniſh
"them ſeverely for it, and to force
"them by Civil Mulcts to recti-
"fie, &c.

THus I have done with that firſt Conſideration upon the account whereof the *Uſefulneſs* and *Neceſſity* of the Civil Magiſtrats Eccleſiatical power is affirmed: Which is, in reſpect to the well being of

Churches.

churches. There is another conſideration remaining now likewiſe to be proſecuted, ſhewing the like neceſſity of this power, in reſpect and relation to the well being of the *Common-wealth*. The *knowledg* and true *Worſhip* of God, and the means hereof the *word* of God, is a national gift. *He hath given his Law to* Jacob — *he hath not dealt ſo with other Nations*. It was true then, for *Iſrael* had this priviledg as a peculiar: But now it is otherwiſe. And where the Lord is ſo bountiful to a Nation, thus to give the means of Life and Salvation it is a *Depoſitum*, Governors muſt account for. The whole Nation becomes peaceable proſperous or otherwiſe, according as the matters of God and his Worſhip, are more or leſs Religiouſly attended by the Governors and People thereof. This Conſideration is urged by Biſhop *Davenant* to this purpoſe *Regis Poteſtas* Pſal. 147.

Daven. de judu. cont. ca. 16. p. 91

potestas judiciaria se extendit ad omnia sanciendo quæ rem publicam florentem conservant atq; ad ea tollenda, &c. "The Kings legislative "power extends to the establish- "ing of whatsoever may preserve "a Common-wealth in a flourish- "ing State, and the taking away "of all such things as may preju- "dice or ruine it. But the Religi- "ous Worship of God is granted "of all even of the very Heathens: "as of concernment to the well- "being of the republike, and the "neglect of it to the eversion of "it. The careful and orderly ma- nagement of Religious affairs, be- ing a special means and way to make the Republick prosperous, the care whereof lieth upon the Magistrate: It is necessary that he both judg of, and put forth his authority in, the procuring and preserving such a means or in- ducement. The further prose- cution

ion of this ſecond Argument
gether with other particulars, re-
iſite to the reſolving this CASE
ſhall leave to a ſecond *Part* of
is diſcourſe, In which after the
ering and vindicating the for-
er part of the Oath as lawfully
be taken: The two great
oubts ariſing from the latter part
it, ſhall more largly be inſiſted
on. The words are theſe: *I*
ll to my power Aſſiſt and Defend
l Juriſdictions — belonging to
e Kings Highneſs — or united
the Crown, &c.

The *Doubts* hereupon are,

1. The Juriſdiction, Priviled-
s, &c. granted and united to the
perial Crown, are unknown
o us, and ſome of them Con-
verted: How can we *ſwear in* Jer. 4. 2.
gment? Anſw. Though there
not a diſtinct knowledg in re-
ct of each particular, yet an
th may be taken in Judgment,
d how.

2. There

2. There are ſome *Juri*
ctions, *Priviledges*, &c. In
ritual matters granted and
ted to the Crown, the law
neſs whereof are ſcrupled:
we may poſſibly believe they
not *belong* to the *Civil* Magiſt
how can we ſwear to aſſiſt and
fend him in ſuch, and *Swear*
Righteouſneſs. *Anſw.* In a
deracy, or Alleageance, to aſ
and defend another, againſt
Common enemy if the things
juſt and lawful in *His* opini
though doubted of, or thou
otherwiſe in *ours*: It is no
righteouſneſs in us to give
ſtance according to our O
Theſe reſolutions and aſſertio
doubt not, will be made evid
in what is to follow, and be
other part of this Diſcourſe.

FINIS.